VOL. 61 – NO. 34 FRIDAY, AUGUST 15, 2014

District of Columbia

REGISTER

HIGHLIGHTS

- DC Council enacts Law 20-126, Marijuana Possession Decriminalization Amendment Act of 2014
- DC Council passes Act 20-415, Tenant Bill of Rights Amendment Act of 2014
- Board of Elections proposes addition of the position of Attorney General to the list of contests on Primary, General, and Special Election ballots
- Department Human Services sets guidelines for sharing health and human services information between DC agencies and service providers
- DC Taxicab Commission implements the Coordinated Alternative to Paratransit Services – DC Pilot Program
- Office of the State Superintendent of Education announces funding for the Healthy Schools Act Evaluation Grant
- Department of Health announces funding availability for the Maternal, Infant, and Early Childhood Home Visiting Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act,* D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act,* District of Columbia Official Code, §§2-50l *et seq.*, as amended.

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The deadline for receiving documents from the District of Columbia Agencies, Boards, Commissions, and Public Charter schools is TUESDAY, NOON of the week of publication. The deadline for receiving documents from the District of Columbia Council is WEDNESDAY, NOON of the week of publication. If an official District government holiday falls on Monday or Friday, the deadline for receiving documents remains the same as outlined above. If an official District government holiday falls on Tuesday, Wednesday or Thursday, the deadline for receiving documents is one day earlier from the deadlines outlined above.

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Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act.* The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act.*

DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-120

"Underinsured Motorist Carrier Fairness Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-365 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-339 and was published in the June 6, 2014 edition of the D.C. Register (Vol. 61, page 5677). Act 20-339 was transmitted to Congress on June 2, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-339 is now D.C. Law 20-120, effective July 15, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-121

"Breastmilk Bank and Lactation Support Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-410 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-340 and was published in the June 6, 2014 edition of the D.C. Register (Vol. 61, page 5680). Act 20-340 was transmitted to Congress on June 2, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-340 is now D.C. Law 20-121, effective July 15, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-122

"Comprehensive Code of Conduct and BEGA Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-412 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-341 and was published in the June 6, 2014 edition of the D.C. Register (Vol. 61, page 5688). Act 20-341 was transmitted to Congress on June 2, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-341 is now D.C. Law 20-122, effective July 15, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-123

"Better Prices, Better Quality, Better Choices for Health Coverage Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-240 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 22, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-336 and was published in the May 30, 2014 edition of the D.C. Register (Vol. 61, page 5379). Act 20-336 was transmitted to Congress on June 3, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-336 is now D.C. Law 20-123, effective July 16, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-124

"Transportation Infrastructure Improvements GARVEE Bond Financing Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-546 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 22, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-337 and was published in the May 30, 2014 edition of the D.C. Register (Vol. 61, page 5383). Act 20-337 was transmitted to Congress on June 3, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-337 is now D.C. Law 20-124, effective July 16, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-125

"Shiloh Way Designation Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-577 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 22, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-338 and was published in the May 30, 2014 edition of the D.C. Register (Vol. 61, page 5385). Act 20-338 was transmitted to Congress on June 3, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-338 is now D.C. Law 20-125, effective July 16, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-126

"Marijuana Possession Decriminalization Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-409 on first and second readings February 4, 2014, and March 4, 2014, respectively. Following the signature of the Mayor on March 31, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-305 and was published in the April 4, 2014 edition of the D.C. Register (Vol. 61, page 3482). Act 20-305 was transmitted to Congress on April 8, 2014 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 20-305 is now D.C. Law 20-126, effective July 17, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Apr. 8,9,10,11,28,29,30

May 1,2,5,6,7,8,9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15,16

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-127

"Traffic Adjudication Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-324 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 30, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-344 and was published in the June 6, 2014 edition of the D.C. Register (Vol. 61, page 5711). Act 20-344 was transmitted to Congress on June 10, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-344 is now D.C. Law 20-127, effective July 23, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-128

"Transportation Infrastructure and Public Space Impact Mitigation Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-431 on first and second readings April 8, 2014, and May 6, 2014, respectively. The legislation was deemed approved without the signature of the Mayor on June 4, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-345 and was published in the June 6, 2014 edition of the D.C. Register (Vol. 61, page 5722). Act 20-345 was transmitted to Congress on June 10, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-345 is now D.C. Law 20-128, effective July 23, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-129

"Homeless Services Reform Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-679 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on June 2, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-346 and was published in the June 6, 2014 edition of the D.C. Register (Vol. 61, page 5726). Act 20-346 was transmitted to Congress on June 10, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-346 is now D.C. Law 20-129, effective July 23, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-130

"Life and Health Insurance Guaranty Association Consumer Protection Amendment Act of 2014"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-212 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on June 4, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-347 and was published in the June 13, 2014 edition of the D.C. Register (Vol. 61, page 5900). Act 20-347 was transmitted to Congress on June 10, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-347 is now D.C. Law 20-130, effective July 23, 2014.

PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

July 1,2,3,7,8,9,10,11,14,15,16,17,18,21,22

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-396

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1998 to expand the definition of a qualifying medical condition to allow physicians to determine whether a patient would benefit from medical marijuana treatment and to increase the number of living plants medical marijuana cultivation centers can possess at any time.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Expansion Emergency Amendment Act of 2014".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2(17) (D.C. Official Code § 7-1671.01(17)) is amended to read as follows:

"(17) "Qualifying medical condition" means any condition for which treatment with medical marijuana would be beneficial, as determined by the patient's physician.".

(b) Section 7(e)(2) (D.C. Official Code § 7-1671.06(e)(2)) is amended by striking the number "95" and inserting the number "500" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-397

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To provide, on an emergency basis, equitable real property tax relief for the real property described as Lot 0860, Square 777 and owned by Mark Bezner and Kuniko Yasuda.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bezner Real Property Tax Relief Emergency Amendment Act of 2014".

Sec. 2. Section 47-825.01a(f)(2) of the District of Columbia Official Code is amended by adding a new sentence at the end to read as follows:

"Notwithstanding this 3-year limitation, OTR may provide relief concerning the real property described as Lot 0860, Square 777 from tax year 1991 through tax year 2009.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-398

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-02A with Partner Arms 4, LLC for Local Rent Supplement Program units at Delta Commons, 5066 & 5678 Benning Road, S.E. – 5010 Southern Avenue, S.E., and to authorize payment for housing services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-02A Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract with Partner Arms 4, LLC for an annual subsidy amount of $184,752, and authorizes payment for services to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-399

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2013-001A with 2321 4TH Street, LLC for LRSP units located at 2321 4TH Street, N.E., and to authorize payment for housing services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-001A Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract with 2321 4TH Street, LLC for an annual subsidy amount of $292,644, and authorizes payment for services to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-400

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, 2 modifications to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to provide Teen Bridge Program services and to authorize payment for services received and to be received under the agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves 2 modifications to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to continue providing Teen Bridge Program services and authorizes payment in an amount of $1,201,495.20 for services received and to be received under that agreement for the third option year, from June 7, 2014, through June 6, 2015.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)) .

Chairman
Council of the District of Columbia

Mayor
District of Columbia
Approved
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-401

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, Modification No. 10 to Contract No. CFOPD-08-C-019 with ING Life Insurance and Annuity Company to continue to provide management, administration, investment and trustee services for District of Columbia's 457 Deferred Compensation Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for services received and to be received under the contract modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. 10 to Contract No. CFOPD-08-C-019 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 10 to Contract No. CFOPD-08-C-019 with ING Life Insurance and Annuity Company to continue to provide management, administration, investment and trustee services for the District of Columbia's 457 Deferred Compensation Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and authorizes payment in the amount of $5,467,617 for the services received and to be received under the contract modification from July 1, 2014, through March 1, 2015.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-402

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 between the District of Columbia government and The Whiting-Turner Contracting Company for design-build services for the Barry Farm Recreation Center, and to authorize payment to The Whiting-Turner Contracting Company in the aggregate amount of $2,242,106 for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 with The Whiting-Turner Contracting Company for design-build services for the Barry Farm Recreation Center, in the aggregate amount of $2,242,106, and authorizes payment for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
Approved
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-403

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, between the District of Columbia government and Broughton Construction, LLC, and to authorize payment to Broughton Construction, LLC, in the amount of $860,873.85 with a not-to-exceed amount of $10,000,000, for the goods and services received and to be received under this contract and task orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, with Broughton Construction, LLC, in the amount of $860,873.85 with a not-to-exceed amount of $10 million, and authorizes payment for the goods and services received and to be received and under this contract and task orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
Approved
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-404

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G, including Task Order No. 001, between the District of Columbia government and Paige Industrial Services, Inc., and to authorize payment to Paige Industrial Services, Inc., in the aggregate amount of $680,909.62 with a not-to-exceed amount of $10 million for the goods and services received and to be received under this contract and task order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G, including Task Order No. 001, Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G, including Task Order No. 001, with Paige Industrial Services, Inc., in the amount of $680,909.62 with a not-to-exceed amount of $10 million and authorizes payment for the goods and services received and to be received and under this contract and task order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-405

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, Change Orders Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 between the District of Columbia government and SKANSKA USA BUILDING, INC., for design-build services for Brookland Middle School, and to authorize payment to SKANSKA USA BUILDING, INC., in the aggregate amount of $2,230,289 for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Orders Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 with SKANSKA USA BUILDING, INC., for design-build services for Brookland Middle School, in the aggregate amount of $2,230,289, and authorizes payment for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-406

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, between the District of Columbia government and Blue Skye Construction, LLC, and to authorize payment to Blue Skye Construction, LLC, in the amount of $811,554 with a not-to-exceed amount of $10 million for the goods and services received and to be received under this contract and task order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, with Blue Skye Construction, LLC, and authorizes payment to Blue Skye Construction, LLC, in the amount of $811,554 with a not-to-exceed amount of $10 million for the goods and services received and to be received and under this contract and task order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-407

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 between the District of Columbia government and Prince Construction Company/W.M. Schlosser Company, Inc. JV, for the renovation and expansion of the inmate processing center at the DC Central Detention Facility, and to authorize payment to Prince Construction Company/W.M. Schlosser Company, Inc. JV, in the aggregate amount of $1,794,168 for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 with Prince Construction Company/W.M. Schlosser Company, Inc. JV, for the renovation and expansion of the inmate processing center at the DC Central Detention Facility, in the aggregate amount of $1,794,168, and authorizes payment for the goods and services received and to be received and under these change orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-408

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, Modification No. 9 to Contract No. CFOPD-08-C-023 with Calvert Investment Distributors, Inc., to continue to provide plan management services for the District of Columbia's 457 College Savings Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CFOPD-08-C-023 Modification Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 9 to Contract No. CFOPD-08-C-023 with Calvert Investment Distributors, Inc., to continue to provide recordkeeping, administration, investment management, marketing, customer service, and custodial services for the District of Columbia's 457 College Savings Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and authorizes payment in the amount of $4,166,668 for the services received and to be received under the contract from August 1, 2014, through June 30, 2015.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-409

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To amend, on an emergency basis, due to congressional review, Title 47 of the District of Columbia Official Code, to provide for limits on legal fees in tax sales, to provide for distribution of equity to former owners where the property was sold at a tax sale and occupied by owners, to provide for clean hands and tax compliance by tax sale purchasers, to clarify that the District may abate penalty and interest associated with a tax sale property, to clarify and limit the amount of interest paid to tax sale purchasers, to allow for refunds to tax sale purchasers pending payment of legal fees to them, to deem a tax sale property's taxes current for purposes of redemption when paid to within $100; to amend the Business Improvement Districts Act of 1996 to change the rate of interest assessed on any outstanding business improvement district tax to simple interest; to amend An Act To establish a code of law for the District of Columbia to require an owner of real property to notify the Office of Tax and Revenue of a name or address change within 30 days and to record a name change with the Recorder of Deeds; to amend the District of Columbia Deed Recordation Tax Act to exempt from recordation tax a deed on property transferred to a named beneficiary of a revocable transfer on death deed under the Uniform Real Property Transfer of Death Act of 2012 upon the death of the grantor; and to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to broaden the definition of owner.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Real Property Equity and Transparency Congressional Review Emergency Amendment Act of 2014".

TITLE I. RESIDENTIAL REAL PROPERTY EQUITY AND TRANSPARENCY

Sec. 101. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 8 is amended as follows:

(1) Section 47-802(5) is amended as follows:

(A) Subparagraph (D) is amended by striking the word "or" at the end.

(B) Subparagraph (E) is amended by striking the period and inserting the phrase "; or" in its place.

(C) A new subparagraph (F) is added to read as follows:

ENROLLED ORIGINAL

"(F) For purposes of appealing the assessment of real property sold under § 47-1353(b), the tax sale purchaser or the purchaser's assignee, as applicable; provided, that the Mayor shall not be required to mail notices or bills issued under this chapter to such tax sale purchaser or assignee; provided further, that the owner of record is not appealing the assessment for the same tax year.".

(2) Section 47-811(c) is amended by striking the phrase "plus interest on the unpaid amount" and inserting the phrase "plus simple interest on the unpaid amount" in its place.

(3) Section 47-845.03 is amended as follows:

(A) Subsection (c) is amended to read as follows:

"(c) Taxes deferred under this section shall bear simple interest at the rate of ½% per month or portion of a month until paid.".

(B) Subsection (g) is amended to read as follows:

"(g) If a properly completed and approved application is filed, the applicant may choose to have the deferral apply to past years; provided, that the amount deferred shall comply with subsection (d) of this section and the periods of applicability are stated in the application; provided further, that the applicant is responsible for accrued attorneys' fees.".

(C) Subsection (p) is repealed.

(4) Section 47-895.31(8) is amended to read as follows:

"(8) "Lot" means real property as defined in § 47-802(1) where such real property for billing and collection purposes under this subchapter shall be further described with the letters "PC" preceding the sequence of square, suffix and lot, or parcel and lot, numbers under § 47-802(1).".

(5) Section 47-895.33 is amended by adding a new subsection (b-1) to read as follows:

"(b-1) A notice, bill, or other correspondence under this subchapter or § 47-1336 shall be mailed to the owner's specifically designated mailing address as provided in the energy efficiency loan closing documents and as may be updated from time to time by the Chief Financial Officer, which may be different from the general mailing address provided pursuant to § 42-405, or as provided in the transfer and recordation tax return.".

(b) Section 47-902 is amended by adding a new paragraph (25) to read as follows:

"(25) Transfers of property transferred to a named beneficiary of a revocable transfer on death deed under subchapter IV of Chapter 6 of Title 19, by reason of the death of the grantor of the revocable transfer on death deed.".

(c) Chapter 13A of Title 47 is amended as follows:

(1) The table of contents is amended as follows:

(A) A new section designation is added to read as follows:

"47-1353.01. Post-sale notice.".

(B) A new section designation is added to read as follows:

"47-1382.01. Equity distribution post-judgment – owner-occupant properties.".

(2) Section 47-1330 is amended as follows:

(A) Paragraph (2) is amended to read as follows:

ENROLLED ORIGINAL

"(2) "Tax" means unpaid real property tax and vault rent owing as of October 1, and unpaid business improvement district tax owing as of September 1, including penalties, interest, and costs, as calculated by the Mayor. The term "tax" includes an assessment or charge due at any time to the District and certified to the Mayor for collection under this chapter in the same manner as a real property tax, along with permitted penalties, interest, and costs, as calculated by the Mayor.".

(B) A new paragraph (2A) is added to read as follows:

"(2A) "Tax sale date" or "date of the tax sale" means for purposes of the tax sale held under § 47-1346 the date when the tax sale during which the real property was sold concluded.".

(3) Section 47-1332 is amended by adding new subsections (c) and (d) to read as follows:

"(c) Notwithstanding subsection (a) of this section, the Mayor shall not sell any real property if the real property is a Class 1 Property that is receiving a homestead deduction with respect to which there is an outstanding non-void certificate of sale; provided, that no real property shall be excluded from sale solely pursuant to this paragraph if the non-void certificate of sale has been outstanding for 3 years or more.

"(d) Notwithstanding subsection (a) of this section, the Mayor, in the Mayor's discretion, may decline to sell any Class 1 Property or any real property for a delinquency in the payment of a non-real property tax that does not have to be certified.".

(4) Section 47-1334 is amended to read as follows:

"§ 47-1334. Interest rate.

"(a) The rate of simple interest on all amounts due, owing, or paid for the taxes sold or bid off to the District under this chapter shall be 1.5% per month or portion thereof until paid, excluding surplus; provided, that interest on the amount sold at tax sale, excluding surplus, shall accrue at the applicable interest rate beginning the first day of the month following the tax sale. No interest shall accrue for surplus, expenses, or the reasonable value of improvements.

"(b) The purchaser shall receive simple interest of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382.01(d)(2), and as provided in § 47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements.".

(5) Section 47-1336 is amended as follows:

(A) Subsection (a) is amended by adding the following sentence at the end:

"The special assessment shall be collectible under this chapter notwithstanding any provision to the contrary granting a tax exemption, and the real property formerly described under § 47-895.31(8) shall revert back to its description under § 47-802(1) for purposes of collection under this chapter.".

(B) Subsection (b)(2) is amended by striking the word "transaction" and inserting the word "sale" in its place.

ENROLLED ORIGINAL

(C) Subsection (e) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase "contrary," and inserting the phrase "contrary, provisions in this section excepted," in its place.

(ii) Paragraph (2) is amended as follows:

(I) The lead-in language is amended by striking the phrase "record owner" and inserting the phrase "record owner at the mailing address provided in § 47-895.33(b-1)" in its place.

(II) Subparagraph (C) is amended by striking the word "and".

(III) Subparagraph (D) is amended to read as follows:

"(D) Once the complaint is filed, expenses under § 47-1377 shall be owed; and".

(IV) A new subparagraph (E) is added to read as follows:

"(E) The real property is described under § 47-895.31(8) and billed as such (with account number) for purposes of subchapter IX of Chapter 8 of this title and the correlating description under § 47-802(1) (with square, suffix and lot numbers, or parcel and lot numbers, as applicable) is under which the complaint shall be filed.".

(6) Section 47-1340 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "Each of the taxing" and inserting the phrase "Subject to the limitation set forth in § 34-2407.02, each of the taxing" in its place.

(B) Subsection (c) is amended to read as follows:

"(c) If a taxing agency does not certify a tax that is due to the District as of the date of the Mayor's notice under subsection (a) of this section, the tax shall not be collected through such tax sale.".

(C) Subsection (d) is amended by striking the phrase "Unpaid real property taxes" and inserting the phrase "Unpaid real property taxes, business improvement district taxes, and vault rents" in its place.

(D) Subsection (f) is amended to read as follows:

"(f)(1) If a taxing agency certifies taxes (for which real property is offered for sale) to the Mayor under subsection (a) of this section, and the payment of taxes to the Mayor as specified in § 47-1361(a) or by a purchaser under § 47-1382(c) has occurred for the real property, or the amount in the notice under § 47-1341 is paid before the tax sale, the taxing agency may submit an accounting to the designated agency under § 47-1332(b) in the form that the Mayor requires.

"(2) Upon receipt of the accounting and verification of the payment of taxes to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by a purchaser under § 47-1382(c), or the amount in the notice under § 47-1341 is paid before the tax sale, the amount of taxes collected that are not imposed under Chapter 8 of this title shall be disbursed regardless of lien priority from the General Fund for the purpose designated by, and in accordance with, the law creating the obligation for such taxes; provided, that, in the case of a sale under § 47-1353(b), the disbursement shall be limited to the amount available after application of lien priorities to such taxes before certification.".

(7) Section 47-1341 is amended as follows:

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(A) Subsection (b) is amended by striking the phrase "Failure of the Mayor to mail the notice of delinquency as provided in subsection (a) of this section, or to include" and inserting the phrase "Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notice of delinquency as provided in subsection (a) of this section, or to include" in its place.

(B) A new subsection (d) is added to read as follows:

"(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section.".

(8) Section 47-1342 is amended by adding a new subsection (d) to read as follows:

"(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section.".

(9) Section 47-1343 is amended to read as follows:

"§ 47-1343. Real property to be sold in its entirety.

"Subject to § 47-1345, each real property for sale shall be sold in its entirety, which shall be the parcel of real property as assessed in the assessment records under § 47-802(1) or as described under § 47-895.31(8) as related to a sale under § 47-1336.".

(10) Section 47-1345 is amended to read as follows:

"§ 47-1345. Sale of real property subject to possessory interest.

"(a) Whether or not any real property subject to sale under this chapter is subject to an estate for life, or a lease or ground rent for a term (with renewals) that is at least 30 years, the Mayor shall sell the entire fee simple estate; provided, that after the judgment of foreclosure of the right of redemption, no claim for rent unpaid, due, or accruing before the date of the judgment of foreclosure of the right of redemption shall be made by the purchaser (or assignee).

"(b) Notwithstanding subsection (a) of this section or any other provision to the contrary, when a real property subject to sale under this chapter is subject to a ground lease and the ground lessor is the District of Columbia, or an instrumentality of the District, the Washington Metropolitan Area Transit Authority, or an entity whose real property is exempt from real property taxation or the enforced collection thereof under the laws of the United States of America, the Mayor shall sell the real property's improvements only. Any additional representation related to what is being sold shall be ineffectual and shall not affect the validity of the sale.

"(c) The termination of claims on real property sold under this section shall not foreclose any personal claims against previous holders of the interest sold for any damages including rent unpaid, due, or accruing before the date of the judgment of foreclosure.".

(11) Section 47-1346(a)(5) is amended to read as follows:

"(5)(A) A potential purchaser, including a natural person or business entity, who is delinquent in payment of in rem taxes to the District or who has been convicted of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior may not bid on real property offered at a sale held under this chapter or otherwise acquire an interest in real property sold under this chapter.

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"(B) A potential purchaser, including a natural person or business entity, shall certify under oath, subject to the penalties of perjury, that the potential purchaser is not more than one year in arrears in any jurisdiction in payment of in rem taxes not being contested in good faith and has not been convicted in any jurisdiction of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior.

"(C) A certificate of sale held by a purchaser that willfully and materially violates the provisions of this paragraph shall be voidable at the discretion of the Mayor; provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate is no longer voidable. A certificate that is voided by the Mayor pursuant to this subparagraph shall be subject to the provisions of § 47-1355(b).

"(D) The intent of this paragraph shall not be circumvented by a purchaser through the use of one or more business entities to avoid its intended application.

"(E) For the purposes of this paragraph, a potential purchaser shall include a person owning a 10% or more equity interest in, or an officer of, an entity that owns a 10% or more equity interest in real property on which taxes are delinquent.".

(12) Section 47-1347.01 is repealed.

(13) Section 47-1348 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Paragraph (3) is amended by striking the phrase "date of the original public tax sale" and inserting the phrase "date of the tax sale" in its place.

(ii) Paragraph (4) is amended by striking the phrase "purchaser;" and inserting the phrase "purchaser, which shall be the same date as in paragraph (3) of this subsection, if the purchaser purchased the real property at the tax sale held under § 47-1346;" in its place.

(iii) Paragraph (10) is amended to read as follows:

"(10) A statement that the rate of simple interest, upon redemption, shall be 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor.".

(B) Subsection (b) is repealed.

(C) Subsection (c) is amended as follows:

(i) Strike the phrase "telephone number." and insert the phrase "telephone number. If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor." in its place.

(ii) Strike the phrase "On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of 18% per annum from the date the real property was sold to the date of redemption; provided, that the purchaser shall not receive interest on any surplus." and insert the phrase "Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on

the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus." in its place.

(14) Section 47-1349(c) is amended by adding the following sentence at the end:

"If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor; provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate shall be no longer voidable. A certificate that is voided by the Mayor pursuant to this subsection shall be subject to the provisions of 47-1355(b).".

(15) Section 47-1352(a) is amended by striking the phrase "from the date the real property was bid off," and inserting the phrase "thereon accruing from the first day of the month following the date of the tax sale where the real property was bid off," in its place.

(16) Section 47-1353 is amended as follows:

(A) Subsection (a)(1)(B) is amended by striking the word "May" both times it appears and inserting the word "Mayor" in its place.

(B) Subsection (c)(2) is amended by striking the phrase "date of the original tax sale" and inserting the phrase "applicable date of the tax sale" in its place.

(C) Subsection (d) is amended to read as follows:

"(d) Upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus.".

(17) A new section 47-1353.01 is added to read as follows:

"§ 47-1353.01. Post-sale notice.

"(a) Within 30 days after the date of the tax sale, the Mayor shall send notice of the sale by first class mail, postage prepaid, bearing a postmark from the United States Postal Service to the last known address of the owner. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner."

"(b) The notice required pursuant to subsection (a) of this section shall be in substantively the following form:

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[Date]

ATTENTION: YOUR PROPERTY WAS SOLD AT TAX SALE

Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address]

Tax Sale Date: [July __, 20__]

If you do not pay all amounts due, the purchaser will have the right to file a lawsuit to foreclose on the property and you may lose title.

According to the Mayor's tax roll, you own or may have an interest in the real property listed above. **Please follow the below instructions to redeem your property from tax sale and prevent a foreclosure lawsuit.**

- To redeem your property from the tax sale, you must pay all taxes owed, as well as any legal fees and expenses that may become due.
- A tax bill is mailed to you during the month of August. **You should pay the bill in full and on time.**
- If you are receiving this notice after October 31, 20__, or if you have not already paid your tax bill in full, you should contact the Office of Tax and Revenue ("OTR") at ..... for a current tax bill and up-to-date payoff amount.
- **After you have paid your taxes, you should call OTR to confirm that you have redeemed your property.** Keep a copy of your proof of payment in case there is a later dispute about the payment.
- If you have not paid all taxes within four months after the Tax Sale Date stated above, an additional $381.50 may be added to reimburse the purchaser for some costs.
- If you do not redeem the property within six months of the Tax Sale Date stated above, the tax sale purchaser may file a lawsuit against you to obtain title to the property.
- **If the purchaser files a foreclosure lawsuit, you will be responsible for legal fees and expenses that may total thousands of dollars. You may also lose title to the property.**
- For further information on how to redeem, please read our *Real Property Owner's Guide to the Tax Sale Redemption Process*, available on our Web site at www.taxpayerservicecenter.com by clicking on "Real Property." You may also request a copy by visiting or writing to our Customer Service Center at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

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YOU MAY BE ELIGIBLE FOR FREE LEGAL SERVICES OR OTHER ASSISTANCE. SEE THE NEXT PAGE FOR MORE INFORMATION.

Should you have additional questions, please call OTR's Customer Service Center at (202) 727-4TAX (4829).

RESOURCES FOR REAL PROPERTY TAXPAYERS IN THE DISTRICT OF COLUMBIA

Classification Disputes. If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the Department of Consumer and Regulatory Affairs at ..... for information on how to appeal the property classification.

Senior Citizen and Low-Income Tax Relief. Senior citizens and low-income households may have additional rights to defer property taxes. If think you may be eligible for this tax relief, please contact the Office of Tax and Revenue at..... for more information.

Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave., NW.

"(c) The tax sale purchaser shall cause a copy of the notice referred to in subsection (b) of this section to be posted on a place on the premises of the real property where it may be conveniently read. The copy of the notice shall be posted no sooner than 4 months after the date of the tax sale but at least 45 days before the filing of a complaint under § 47-1370.

"(d) Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notice as provided in subsections (a) and (b) of this section, or to include any tax amounts in the notice, shall not:

"(1) Invalidate or otherwise affect a tax;

"(2) Invalidate or otherwise affect a sale made under this chapter to enforce payment of taxes;

"(3) Prevent or stay any proceedings under this chapter; or

"(4) Affect the title of a purchaser.

"(e) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section.".

(18) Section 47-1354(b) is amended to read as follows:

"(b) Upon payment as specified in § 47-1361(a) or by another purchaser under § 47-1382(c), the purchaser shall receive a refund of its payment made under this section, with interest as required to be paid by the redeemer or the other purchaser. The purchaser shall receive interest only on the principal tax amount paid and not on the interest or penalties paid. The purchaser is

entitled to the refund only if the purchaser's certificate of sale is not void and the purchaser provides proof satisfactory to the Mayor that the purchaser made the payment.".

(19) Section 47-1355(a)(2) is repealed.

(20) Section 47-1361 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) The lead-in text is amended by striking the phrase "the Mayor, for deposit" and inserting the phrase "the Mayor, except as set forth in paragraph (6A) of this subsection, for deposit" in its place.

(ii) Paragraphs (2) and (3) are amended to read as follows:

"(2) If the real property was bid off to the District, the sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off;

"(3) If the real property was bid off to the District and subsequently sold or the certificate of sale assigned to a purchaser:

"(A) The original sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off; plus

"(B) Interest accruing thereafter on the sale amount in subparagraph (A) of this paragraph from the first day of the month following the date the real property was subsequently sold or the certificate of sale assigned to the purchaser;".

(iii) Paragraph (4) is amended by striking the phrase "taxes provided, that the certificate of sale of the purchaser is not void;" and inserting the phrase "taxes;" in its place.

(iv) Paragraph (5) is amended to read as follows:

"(5) All other real property taxes, business improvement district taxes, and vault rents to bring the real property current; provided, that any such amounts that become due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property;".

(v) A new paragraph (5A) is added to read as follows:

"(5A) Any delinquent special assessment owed pursuant to an energy efficiency loan agreement under subchapter IX of Chapter 8 of Title 47; provided, that any such assessment that becomes due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property;".

(vi) Paragraph (6) is amended to read as follows:

"(6) All expenses for which each purchaser is entitled to reimbursement under § 47-1377(a)(1); and".

(vii) A new paragraph (6A) is added to read as follows:

"(6A) Where an action to foreclose the right of redemption has been properly filed, the person redeeming shall pay directly to the applicable purchaser all expenses to which the purchaser is entitled to reimbursement under § 47-1377(a)(2); and".

(viii) Paragraph (7) is repealed.

(B) New subsections (b-1) and (b-2) are added to read as follows:

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"(b-1) The redeeming party shall not be required to pay any tax that is required to be certified by § 47-1340 unless the tax has been certified by a taxing agency and sold as a lien at a tax sale.

"(b-2) Notwithstanding subsection (a) of this section, the remaining amounts that are payable to the Mayor, including tax, interest, penalties and expenses, for the real property shall be deemed to have been brought current for purposes of redemption if, at any time, the balance falls below $100; provided, that the remaining balance shall remain due and owing and any remaining expense shall be thereafter deemed a real property tax.".

(C) Subsection (c) is amended by striking the second sentence.

(D) Subsection (d) is amended to read as follows:

"(d)(1) Subject to the liability threshold set forth in subsection (b-2) of this section, after receipt of the payment set forth in subsection (a)(1) through (6) of this section, the Mayor shall notify the purchaser of the payment. The purchaser shall receive from the Mayor the refund to which the purchaser is entitled, subject to the purchaser's compliance with all procedures for issuance of the refund, as may be established by the Mayor.

"(2) If a complaint under § 47-1370 has been properly filed, a purchaser may continue to prosecute the complaint until receipt of the expenses owed to the purchaser and payable to the purchaser by the redeeming party as set forth in subsection (a)(6A) of this section, but shall dismiss the complaint upon receipt thereof.

"(3) A complaint to foreclose the right of redemption shall not be maintained solely to await the administrative refund under this subsection.

"(4) Notification by the Mayor under this subsection may be accomplished by making the information publicly available through an electronic medium, including by posting on a website.".

(E) A new subsection (f) is added to read as follows:

"(f) The Mayor may abate interest or penalties, or compromise taxes, whether arising before or after the tax sale, in the same manner as set forth in § 47-811.04; provided, that the abatement or compromise shall not affect the refund due to the purchaser.".

(21) Section 47-1362 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "If the real property is redeemed after an action to foreclose the right of redemption is filed and there is a dispute regarding redemption, the" and inserting the phrase "If there is a dispute regarding redemption after an action to foreclose the right of redemption is filed, the" in its place.

(B) Subsection (c) is repealed.

(22) Section 47-1363(a) is amended by striking the phrase "date of the sale" and inserting the phrase "date of the tax sale" in its place.

(23) Section 47-1366 is amended to read as follows:

"§ 47-1366. Cancellation of sale by Mayor.

"(a) The Mayor, in the Mayor's discretion, may cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption to prevent an injustice to the owner or person with an interest in the real property.

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"(b) The Mayor shall cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption where:

"(1) The record owner or other interested party timely pays the amount set forth in the notice of delinquency to avoid the tax sale as required under § 47-1341(a) or otherwise pays the outstanding taxes before the tax sale;

"(2) The real property meets the qualifications to be exempt from sale under § 47-1332(c); or

"(3) In a sale involving Class 1 property with 5 or fewer units that a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if the record owner is deceased) occupies as his or her principal residence, the record owner or other interested person proves:

"(A) A failure of the Mayor to mail the notice required by § 47-1341(a) or § 47-1353.01; or

"(B) That the mailing address of the person who last appears as the record owner of the real property on the tax roll, as properly updated by the record owner by the filing of a change of address with the Office of Tax and Revenue in accordance with § 42-405, was not correctly or substantively updated by the Office of Tax and Revenue notwithstanding proper filing.

"(c) Subject to the limitations set forth in § 47-1377(b), (b-1), (c), and (d), if the Mayor cancels a sale pursuant to this section, the Mayor shall pay to the purchaser the amount that the purchaser would have received if the real property had been redeemed, but no part of the amount shall be considered a payment of tax on behalf of the real property. A certificate of redemption, if necessary, shall be executed and filed by the Mayor with the Recorder of Deeds for no fee.".

(24) Section 47-1370 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "date of sale" and inserting the phrase "date of the tax sale" in its place.

(B) Subsection (c) is amended by adding a new paragraph (4) to read as follows:

"(4) Proof of the posting required under § 47-1353.01 shall be attached to and made part of the complaint. The posting shall be held to the same standard as the proof of posting required under § 47-1372(f).".

(C) A new subsection (e) is added to read as follows:

"(e) The purchaser shall immediately notify the Chief Financial Officer upon the filing of a complaint under this section.".

(25) Section 47-1371(b) is amended by adding a new paragraph (2A) to read as follows:

"(2A) The plaintiff shall certify to the Superior Court of the District of Columbia, under penalties of perjury, that a search was conducted for the record owner in bankruptcy records.".

(26) Section 47-1372(a)(1)(C) is amended by striking the phrase "date of sale" and inserting the phrase "date of the tax sale" in its place.

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(27) Section 47-1374 is amended as follows:

(A) Subsection (c) is amended by striking the third sentence in its entirety.

(B) Subsection (e) is amended to read as follows:

"(e)(1) A final judgment may not be entered earlier than the later of:

"(A) One year following the initial scheduling conference in the foreclosure action; or

"(B) Four months following the completion of service on the owner and all parties identified as defendants in § 47-1371.

"(2) Paragraph (1) of this subsection shall not apply to any final judgment in which all interested parties have disclaimed any interest in the property subject to the judgment or in a case where a real property was sold under § 47-1353(a)(3) or (b).".

(28) Section 47-1377 is amended as follows:

(A) Subsection (a) is amended to read as follows:

"(a) Except as provided in subsection (b) of this section, upon redemption, a purchaser is entitled to be reimbursed by the redeeming person for the following expenses incurred in an action, or in preparation for an action, to foreclose the right of redemption:

"(1) If an action to foreclose the right of redemption has not been filed and the property is redeemed more than 4 months after the applicable tax sale's tax sale date, the purchaser may be reimbursed for the following pre-complaint legal expenses:

"(A) The amount of $50 for any posting required by § 47-1353.01;

"(B) Costs for recording the certificate of sale; and

"(C) The cost of a title search, not to exceed $300.

"(2) If an action to foreclose the right of redemption has been filed, the purchaser may also be reimbursed for:

"(A)(i) Reasonable attorneys' fees as follows:

"(I) In a case in which the property is redeemed before the fifth status hearing, reasonable attorneys' fees not to exceed $1,500;

"(II) In a case requiring 5 or more status hearings, reasonable attorneys' fees not to exceed $1500, plus $75 for the fifth status hearing and each additional status hearing thereafter; and

"(III) In a case in which a motion for judgment is filed with the court, additional attorneys' fees in the amount of $300.

"(ii) In calculating the number of hearings in a case, any status hearing held before the redeeming party was served shall be excluded from the calculation.

"(iii) For purposes of this paragraph, an initial scheduling conference shall be deemed a status hearing.

"(iv) Nothing in this paragraph shall be construed as prohibiting the purchaser from settling attorneys' fees in a lesser amount than the purchaser may be eligible for under this section.

"(B) Notwithstanding subparagraph (A) of this paragraph, in cases requiring prolonged or complex representation not typically necessary to resolve an action filed under this chapter, including cases in which the purchaser incurs attorneys' fees and expenses

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under § 47-1382.01(a), other reasonable attorneys' fees incurred and specifically requested by the purchaser and approved by the court, on a case-by-case basis; provided, that additional attorneys' fees shall not be awarded if a tax sale is cancelled by the Mayor under § 47-1366, or where a purchaser is required to show good cause under subsection (c) of this section; and

"(C) Expenses actually incurred as follows:

"(i) Filing fee charged by the Superior Court of the District of Columbia;

"(ii) Service of process fee, including fees incurred attempting to serve process;

"(iii) If a second title search is conducted more than 6 months after the initial title search, a title search update fee, not to exceed $75;

"(iv) Publication fee charged by a newspaper of general circulation in the District;

"(v) Posting fees;

"(vi) Postage and certified mail costs;

"(vii) Substantial repair order fee, not to exceed the fee charged by the government agency issuing the certificate of substantial repair; and

"(viii) Any court approved expense for stabilization or conversion of, or to make safe and compliant with Chapter 31A of Title 42, the property under § 47-1363 or to comply with an action taken against the property by the Mayor in accordance with the applicable building, fire, health, or safety code.".

(B) Subsection (b) is amended to read as follows:

"(b) No purchaser of a certificate of sale shall be reimbursed for expenses incurred within 4 months after the date of the tax sale. A purchaser other than the District shall not be reimbursed for any expenses if the certificate becomes void under this chapter.".

(C) A new subsection (b-1) is added to read as follows:

"(b-1) The purchaser shall not be entitled to be reimbursed for any expenses or attorney's fees not included in this section. Expenses or attorneys' fees incurred by a purchaser who appeals the assessment or the vacant status of the property are not reimbursable.".

(D) New subsections (c) and (d) are added to read as follows:

"(c) If the purchaser fails to satisfy the requirements for posting under § 47-1353.01 or fails to provide proof of posting required under § 47-1370(c)(4), the purchaser shall not be entitled to collect the legal expenses set forth in subsection (a) of this section; provided, that upon a showing to the Superior Court of the District of Columbia of good cause for the failure to meet the posting requirements of § 47-1353.01 or § 47-1370(c)(4), the purchaser shall be entitled to collect those expenses, not to exceed the amounts set forth in subsection (a) of this section, that the Superior Court of the District of Columbia considers reasonable.

"(d) Notwithstanding subsection (c) of this section, if the tax sale is cancelled by the Mayor under § 47-1366, the purchaser shall not be entitled to reimbursement of the expenses permitted under subsection (a)(2) of this section if the purchaser fails to specifically disclose to the Mayor, at least 45 days before the filing of a complaint to foreclose the right of redemption, information that is obtained or should have been obtained from the pre-complaint investigation,

including the title examination and review of bankruptcy records under § 47-1371(b)(2) and (2A), that evidences a violation of § 47-1332(c), a violation of a bankruptcy stay, or errors, as prescribed by the Mayor through regulation.".

(29) Section 47-1380(d) is amended by striking the phrase "the sale." and inserting the phrase "the sale and the purchaser shall not receive any amounts otherwise due under this chapter." in its place.

(30) Section 47-1382(a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "A final" and inserting the phrase "Except as provided in § 47-1382.01, a final" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1) A taxing agency lien that is recorded in the Office of the Recorder of Deeds;".

(C) Paragraph 4 is amended by striking the word "and".

(D) Paragraph (5) is amended by striking the period and inserting the phrase "; and" in its place.

(E) A new paragraph (6) is added to read as follows:

"(6) A ground lease described in § 47-1345(b), any recorded covenant, agreement, or other instrument, and any other document incorporated by reference into a recorded covenant, agreement, or other instrument, to which a ground lessor as described in § 47-1345(b) is a party or beneficiary.".

(31) A new section 47-1382.01 is added to read as follows:

"§ 47-1382.01. Equity distribution post-judgment – owner-occupant properties.

"(a) This section shall apply to any Class 1 property with 5 or fewer units in which a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if deceased), was occupying as his or her principal residence when the complaint to foreclose the right of redemption was filed. The purchaser shall bear the burden of establishing that this section is not applicable to the real property.

"(b) Upon issuing a final judgment foreclosing the right of redemption, the Superior Court of the District of Columbia shall appoint a trustee and shall order that the trustee sell the property pursuant to Rule 308 of the D.C. Rules of Superior Court, Rules of Civil Procedure, or its equivalent.

"(c) The trustee shall sell a fee simple interest in the property, subject to the encumbrances set forth in § 47-1382(a).

"(d) The court shall order the trustee to distribute the proceeds of the sale in priority order as follows:

"(1) Reasonable compensation and reasonable expenses due to the trustee or to any other person (including an auctioneer) who provided services relating to the sale of the property, and all other payments the court deems to have been necessary to effect the sale of the real property, including recordation and transfer taxes;

"(2) Payment to the Mayor of:

"(A) All amounts payable to the Mayor for deposit into the General Fund of the District of Columbia under § 47-1361 as of the date of the court's order regarding distribution;

"(B) Any promissory note executed pursuant to § 47-1353(a)(3); and

"(C) Any lien certified under § 47-1340;

"(3) Payment to the purchaser of all amounts provided for in § 47-1377, as fixed by the court; and

"(4) Any remaining amounts as follows:

"(A) Ten percent or $20,000, whichever is less, to the purchaser; and

"(B) The remainder to the person or persons (including where appropriate a decedent's estate) entitled to the balance, in proper proportion as determined by the trustee, or, when necessary, by a court.

"(e)(1) The trustee shall notify the purchaser once payment is made to the Mayor pursuant to subsection (d)(2) of this section, at which time the purchaser shall surrender the certificate of sale and receive from the Mayor the amount to which the purchaser would have been entitled had redemption occurred in accordance with § 47-1361.

"(2) For purposes of calculating the refund due to the purchaser, the date of the court's order providing for distribution or the sale proceeds in accordance with subsection (d) of this section shall be deemed the date of redemption.

"(f)(1) If the trustee in the trustee's best judgment determines that a sale of the real property will not generate proceeds sufficient to fund the distributions required under subsection (d)(1) and (2) of this section, the trustee shall timely inform the court of that determination.

"(2) Upon receipt of the trustee's determination as described in paragraph (1) of this subsection, the court shall:

"(A) Rescind the trustee's appointment and the order to sell the real property;

"(B) Issue a final judgment foreclosing the right of redemption in accordance with the provisions of § 47-1382; and

"(C) Require the purchaser to pay such fees and expenses of the trustee as the court determines appropriate.".

(32) Section 47-1384 is amended by striking the phrase "Notwithstanding any other law, the provisions of this chapter" and inserting the phrase "Notwithstanding any other law, if a court determines that any provision of this chapter is ambiguous, the provision" in its place.

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 15(f) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Official Code § 2–1215.15(f)), is amended by striking the phrase "plus interest on the unpaid amount" and inserting the phrase "plus simple interest on the unpaid amount" in its place.

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Sec. 202. Section 499d of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 12-34; D. C. Official Code § 42-405), is amended to read as follows:

"Sec. 499d. Notice of address and name change.

"(a) Any owner, as defined under D.C. Official Code § 47-802(5) of real property entitled to receive notices under Chapter 8 of Title 47 shall notify the Office of Tax and Revenue of a name change or address change within 30 days.

"(b) Any name change shall be evidenced by the recording of a confirmatory deed with the Recorder of Deeds and submission of supporting documents with and as required by the Recorder of Deeds relating to the applicable property.

"(c) Any address change shall be filed with the Office of Tax and Revenue on the form and in the manner as may be prescribed.

"(d) The Chief Financial Officer may issue rules to implement this section.".

Sec. 203. Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102), is amended by adding a new paragraph (33) to read as follows:

"(33) Deeds to property transferred to a named beneficiary of a revocable transfer on death deed under the Uniform Real Property Transfer of Death Act of 2012, effective March 19, 2013 (D.C. Law 19-230; D.C. Official Code § 19-604.01 *et seq.*), by reason of the death of the grantor of the revocable transfer on death deed.".

Sec. 204. Section 5(4) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.05(4)), is amended by striking the phrase "Office of Tax and Revenue" and inserting the phrase "Office of Tax and Revenue, and a tax sale purchaser under § 47-1353(b) or the purchaser's assignee, as applicable, except where the owner of record is challenging or appealing the vacant status of the real property for the same period" in its place.

TITLE III. GENERAL PROVISIONS

Sec. 301. Sunset.

This act shall expire on October 1, 2014.

Sec. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 303. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-410

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To amend, on an emergency basis, the Business Improvement Districts Act of 1996 to authorize the establishment and administration of the Southwest Business Improvement District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Southwest Business Improvement District Emergency Amendment Act of 2014".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 2-1215.02) is amended as follows:

(1) A new paragraph (17A) is added to read as follows:

"(17A) "Net rentable square feet" means the number of net rentable square feet reported to, or on record with, the Office of Tax and Revenue.".

(2) Paragraph (18) is amended by striking the phrase "or Capitol Riverfront BID," and inserting the phrase "Capitol Riverfront BID, Anacostia BID, or Southwest BID," in its place.

(b) Section 4(b) (D.C. Official Code § 2-1215.04(b)) is amended by striking the phrase "or Anacostia" and inserting the phrase "Anacostia, or Southwest" in its place.

(c) A new section 210 is added to read as follows:

"Sec. 210. Southwest BID.

"(a) Subject to the requirements of sections 5 and 6, the formation of the Southwest BID, including nonexempt real property within the geographic area set forth in subsection (b) of this section, is authorized and the BID taxes established in subsection (c) of this section shall be imposed through the expiration of this act or the termination or dissolution of the BID.

"(b) The Southwest BID shall be comprised of the geographic area bounded by a line that starts at the center of the street at the intersection of 15th Street, S.W., and Independence Avenue, S.W.; continuing east along the center line of Independence Avenue, S.W., to the center of the intersection of Independence Avenue , S.W., and 2nd Street, S.W.; continuing south along the center line of 2nd Street, S.W., to the western boundary of the Southeast-Southwest Freeway (I-395); continuing south and southeast along the southwestern boundary of the Southeast-Southwest Freeway (I-395) to the intersection of the Southeast-Southwest Freeway (I-395) and

ENROLLED ORIGINAL

South Capitol Street; continuing south along the center line of South Capitol Street to the intersection of the center line of South Capitol Street and the southern boundary of M Street, S.W.; continuing along southern boundary of M Street, S.W., to the center of the intersection of southern boundary of M Street, S.W., and center line of 6th Street, S.W.; continuing along the center line of 6th Street, S.W., to the intersection of 6th Street, S.W., and the water's edge of the Washington Channel; continuing along the bank of the Washington Channel northwest to the intersection of the bank of the Washington Channel and 15th Street, S.W.; continuing along the center line of 15th Street, S.W., to the center of the intersection of 15th Street, S.W., and Independence Avenue, S.W.; provided, that the lots located in Squares 0267, 0268, and 0299 shall not be included within the Southwest BID.

"(c)(1) The BID taxes for the nonexempt properties in the Southwest BID shall be:

"(A)(i) The amount of $0.15 per square foot for each net rentable square foot of improved Class 2 Property, excluding property defined in D.C. Official Code § 47-813(c-3)(3) and property covered by sub-subparagraph (iii) of this subparagraph for any property for which the owner is required to report net rentable area to the Office of Tax and Revenue or for which the Office of Tax and Revenue has records indicating the net rentable area of the property;

"(ii) The amount of $0.15 per square foot for each equivalent net rentable square foot of improved Class 2 Property, excluding property defined in D.C. Official Code § 47-813(c-3)(3) and property covered by sub-subparagraph (iii) of this subparagraph for any property for which the owner is not required to report net rentable area to the Office of Tax and Revenue and for which the Office of Tax and Revenue maintains no record of net rentable area. Equivalent net rentable area shall be 90% of gross building area. Gross building area shall be determined using any method that is generally recognized in the Washington Metropolitan area as an appropriate method for measuring gross building area;

"(iii) Notwithstanding sub-subparagraphs (i) and (ii) of this subparagraph, the total BID tax due on a property or assembly of properties (if the property occupies more than one taxable lot) shall not exceed $100,000 in any year; provided, that this cap may be increased each year proportionately to the applicable annual increase in the BID tax, regardless of whether the BID tax is increased pursuant to paragraph (3) of this subsection or other law;

"(B) The amount of $0.35 per gross building area for improved vacant and the amount of $0.35 per gross square feet of land area of unimproved vacant Class 2 Property, Class 3 Property, and Class 4 Property;

"(C) The amount of $100 per hotel or motel room for property defined in D.C. Official Code § 47-813(c-3)(3); and

"(D) The amount of $120 per unit of Class 1 Property that contains 10 or more residential units available for rental for nontransient residential dwelling purposes.

"(2) To the extent that a building that is subject to the BID tax is constructed pursuant to a ground lease on land that is exempt from real property taxes, the assessed value of the real property for purposes of the BID tax shall include the value of the building and the leasehold interest, possessory interest, beneficial interest, or beneficial use of the land, and the

ENROLLED ORIGINAL

lessee or use of the land shall be assessed the corresponding BID tax, which shall be a personal liability of the lessee. Delinquencies shall be collected in the same manner as possessory interest taxes under D.C. Official Code § 47-1005.01, or as otherwise provided in this act.

"(3) A 4% annual increase in the BID taxes over the current tax year rates specified in paragraph (1) of this subsection is authorized subject to the requirements of section 8(b).".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approve December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-411

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-03A with Transitional Housing Corporation for LRSP units at Partners Arms 1, located at 935 Kennedy Street, N.W., and to authorize payment for housing services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-03A Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract with Transitional Housing Corporation for an annual subsidy amount of $136,013, and authorizes payment for services to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-412

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-06A with N Street Village, Inc. for LRSP units at Miriam's House, located at 1300 Florida Avenue, N.W., and to authorize payment for housing services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-06A Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract with N Street Village, Inc. for an annual subsidy amount of $310,560, and authorizes payment or services to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-413

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-001A with North Capitol Commons, LP for LRSP units located at 1005 N. Capitol Street, N.E., and to authorize payment for housing services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2014-LRSP-001A Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract with North Capitol Commons, LP for an annual subsidy amount of $196,248, and authorizes payment for services to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-414

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To approve, on an emergency basis, a commemorative work in Chuck Brown Park, located between 18th Street and 20th Street, N.E., between Hamlin Street, N.E., and Franklin Street, N.E., in Ward 5, to be known as the Chuck Brown Memorial.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Chuck Brown Memorial Commemorative Work Emergency Approval Act of 2014".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council approves a commemorative work in Chuck Brown Park, located between 18th Street and 20th Street, N.E., between Hamlin Street and Franklin Street, N.E., in Ward 5, to be known as the "Chuck Brown Memorial".

Sec. 3. Transmittal.

The Chairman of the Council shall transmit a copy of this act, after it becomes effective, to the Department of General Services and the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-415

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To amend the Office of the Chief Tenant Advocate Establishment Act of 2005 to require the Office of the Tenant Advocate to publish a Tenant Bill of Rights; and to amend the Rental Housing Act of 1985 to require a housing provider to provide a tenant with a Tenant Bill of Rights upon the tenant's submission of an application to lease a residential rental unit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Bill of Rights Amendment Act of 2014".

Sec. 2. Section 2067 of the Office of the Chief Tenant Advocate Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.07), is amended as follows:

(a) Paragraph (6A)(D) is amended by striking the word "and".

(b) Paragraph (7) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (8) is added to read as follows:

"(8) Publish a Tenant Bill of Rights, which shall be updated periodically, and noticed in the District of Columbia Register.".

Sec. 3. Section 222(b) of the Rental Housing Act of 1985, effective August 5, 2006 (D.C. Law 16-145; D.C. Official Code § 42-3502.22(b)), is amended as follows:

(a) Paragraph (1) is amended as follows:

(1) Subparagraph (J) is amended by striking the period and inserting the phrase "; and" in its place.

(2) A new subparagraph (K) is added to read as follows:

"(K) A Tenant Bill of Rights published by the Office of the Tenant Advocate pursuant to section 2067(8) of the Office of the Chief Tenant Advocate Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.07(8)).".

(b) A new paragraph (1A) is added to read as follows:

"(1A) The requirement in paragraph (1)(K) of this subsection shall apply to an application for a residential rental unit submitted 90 days after a Tenant Bill of Rights is noticed in the District of Columbia Register.".

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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To establish the criminal offense of harassing, interfering with, injuring, or obstructing a police animal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of the Harm of Police Animals Act of 2014".

Sec. 2. Harassing, interfering with, injuring, or obstructing a police animal.

(a) For the purposes of this section, the term:

(1) "Police animal" means a dog, horse, or other animal used by a law enforcement agency, correctional facility, police department, fire department, or search and rescue unit or agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, apprehension of criminal offenders, or search and rescue efforts, whether or not the dog, horse, or other animal is engaged in the performance of its official duties when a violation of this section occurs.

(2) "Significant bodily injury" means an injury that requires hospitalization or immediate medical attention.

(b)(1) Any person who intentionally and without justifiable and excusable cause, harasses, interferes with, injures, or obstructs a police animal when he or she has reason to believe the animal is a police animal shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned not more than 180 days or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both.

(2) Any person who violates subsection (b) of this section and causes significant bodily injury to, or the death of, a police animal shall be guilty of a felony and, upon conviction, shall be imprisoned not more than 10 years, or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both.

(3) The penalties set forth in paragraphs (1) and (2) of this subsection shall also apply to an owner or keeper of a dog or other animal who intentionally and without justifiable and excusable cause fails to restrain the dog or animal from attacking a police animal when the owner or keeper has reason to believe the animal is a police animal.

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Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-417

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To amend An Act To increase the age of consent for marriage in the District of Columbia to eighteen years of age in the case of males and sixteen years of age in the case of females to eliminate the 3-day waiting period for the issuance of a marriage license; and to amend An Act To require premarital examinations in the District of Columbia, and for other purposes to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Marriage License Issuance Amendment Act of 2014".

Sec. 2. Section 2 of An Act To increase the age of consent for marriage in the District of Columbia to eighteen years of age in the case of males and sixteen years of age in the case of females, approved August 12, 1937 (50 Stat. 626; D.C. Official Code § 46-409), is repealed.

Sec. 3. An Act To require premarital examinations in the District of Columbia, and for other purposes, approved October 15, 1966 (80 Stat. 959; D.C. Official Code § 46-417 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 46-418) is repealed.

(b) Section 6 (D.C. Official Code § 46-421) is amended to read as follows:

"Sec. 6. Whoever fails to comply with sections 1,1a, and 5 of this act shall be imprisoned for not more than 6 months, or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22- 3571.01), or both. Prosecutions for violations of this section shall be conducted by the Attorney General for the District of Columbia.".

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-418

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To amend the Day Care Policy Act of 1979 to permit more than 2 children under 2 years of age in a child development home with a ratio of one adult caregiver to 2 children under 2 years of age.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Development Home License Amendment Act of 2014".

Sec. 2. Section 2 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401), is amended as follows:

(a) A new paragraph (1A) is added to read as follows:

"(1A) The term "Child Development Associate credential" means a credential recognized by the Council for Professional Recognition and accepted by the Office of the State Superintendent of Education to demonstrate competency as a caregiver for young children.".

(b) Paragraph (3) is amended by striking the phrase "no more than 2 children younger than 2 years of age in the group." and inserting the phrase "a ratio of one adult caregiver to 2 children if there are 2 or more children younger than 2 years of age in the group; provided, that each adult caregiver possesses a post-secondary degree in early childhood education or a related field as determined by the Office of the State Superintendent of Education, hold a current Child Development Associate ("CDA") credential, is enrolled in a CDA training program, or can provide evidence of enrollment in a CDA training program that will begin within 6 months of the first day of the adult caregiver's work with children at the child development home." in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 1, 2014

To amend, on a temporary basis, Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to remove industrial revenue bonds from the definition of government-assisted project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Small and Certified Business Enterprise Development and Assistance Clarification Temporary Amendment Act of 2014".

Sec. 2. Section 2302(9A)(D) of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(9A)(D)), is amended to read as follows:

"(D) A project that receives bonds or notes or the proceeds thereof issued by a District agency, including tax increment financing or payment in lieu of tax bonds or notes, but not including industrial revenue bonds.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206-02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 1, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2014

To amend Title 23 of the District of Columbia Official Code to provide that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that a person that has been released on citation to appear in court has violated a condition of release on citation issued by a releasing official to stay away from a particular place or person, to provide for a post-arrest process for individuals in the District of Columbia, to clarify the procedures for a releasing official to issue citations or take money or bond, and to provide authority for a releasing official to direct a person, as a condition of release on citation, to stay away from a particular place or person; to amend the First Amendment Assembly Enforcement and Procedure Act of 2004 to update and clarify provisions related to the post-and-forfeit procedure; and to amend the Human Rights Act of 1977 and Chapter 10 of Title 1 of the District of Columbia Municipal Regulations to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Post-Arrest Process Clarification Amendment Act of 2014".

Sec. 2. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Chapter 5 is amended as follows:

(1) The table of contents is amended by adding to Subchapter V new section designations 23-583, 23-584, and 23-585 to read as follows:

"23-583. Processing arrests.

"23-584. Field arrest and release on citation.

"23-585. Violation of condition of release on citation; failure to appear.".

(2) Section 23-501 is amended by adding new paragraphs (4), (5), and (6) to read as follows:

"(4) "Field arrest" means a non-custodial arrest made pursuant to § 23-584 that requires the person to appear within 15 days before an official of the relevant law enforcement agency to complete the arrest process.

"(5) "Release on citation" means the process by which a person arrested for eligible misdemeanors may be released on his or her promise to appear at a future date in court, or at some other designated place.

"(6) "Releasing official" shall have the same meaning as provided in § 23-1110(a)(1).".

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(3) Section 23-581 is amended by adding a new subsection (a-10) to read as follows:

"(a-10) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has been directed by a releasing official pursuant to § 23-584(d)(1) as a condition of release on citation to stay away from a particular place or a particular person, and the person has violated that condition.".

(4) New sections 23-583, 23-584, and 23-585 are added to read as follows:

"§ 23-583. Processing arrests.

"Unless a person is not eligible for release under § 23-584, a person shall not be detained pending his or her first appearance before a judicial officer if he or she agrees to appear in court and abide by conditions set pursuant to § 23-584(d)(1), if any.

"§ 23-584. Field arrest and release on citation

"(a) In lieu of taking a person into custody, a law enforcement officer may issue a field arrest form to a person whom he or she has arrested without a warrant if the person:

"(1) Is eligible for release on citation pursuant to subsection (b)(2) of this section; and

"(2) Is charged with committing a misdemeanor prosecuted by the Office of the Attorney General for the District of Columbia and designated by the Chief of Police as being eligible for a field arrest.

"(b)(1) A releasing official shall determine whether a person taken into custody or appearing at a law enforcement agency following the issuance of a field arrest form is eligible:

"(A) For release on citation pursuant to paragraph (2) of this subsection; and

"(B) To use the post-and-forfeit procedure pursuant to § 5-335.01.

"(2) A releasing official may authorize a release on citation to a person arrested without a warrant unless:

"(A) There is reason to believe that the person may cause injury to him or herself or any other person, may cause damage to property, or will not appear in court to answer the charge; or

"(B) The person is:

"(i) Charged with a dangerous crime, as defined in §23-1331(3), or a crime of violence, as defined in § 23-1331(4);

"(ii) Subject to detention before trial pursuant to § 23-1322 or §23-1325;

"(iii) Charged with a felony offense;

"(iv) Charged with a misdemeanor offense that is not designated as eligible for release on citation by the responsible prosecuting authority;

"(v) Charged with intimate partner violence, as defined in § 16-1001(7), or intrafamily violence, as defined in § 16-1001(9);

"(vi) Charged with an interpersonal violence offense, as defined in § 16-1001(6), when the criminal offense committed or threatened to be committed is violent;

"(vii) Cannot reliably be identified or inaccurately reports

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information concerning his or her name or other identifying information;

"(viii) At the time of arrest, in violation of a court order;

"(ix) At the time of arrest, in violation of a condition of release on citation issued pursuant to subsection (d)(1) of this section; or

"(x) Has not cooperated in the booking process.

"(c) A releasing official may authorize a release on citation to a person who is not otherwise eligible for release under subsection (b)(2) of this section if the release is approved by the prosecutor and:

"(1) The Chief Judge of the Superior Court of the District of Columbia has declared that an event or condition significantly impairs the functioning of the Superior Court of the District of Columbia;

"(2) A person has been admitted to a hospital during the course of the arrest processing; or

"(3) Court is not in session and there is reason to believe that the person should not be held in custody pending his or her first appearance before a judicial officer.

"(d)(1) A releasing official of the rank of sergeant or above may, as a condition of a release on citation, direct a person to stay away from a particular place and to stay away from and have no contact with a victim of or witness to the cited offense until the person's appearance before a judicial officer.

"(2) A releasing official shall not release a person if the person refuses to agree to abide by one or more conditions of release on citation issued pursuant to paragraph (1) of this subsection.

"(e) Nothing in this section shall be construed to create a private right of action or give rise to any rights enforceable by injunction, mandamus, or otherwise.

"§ 23-585. Violation of condition of release on citation; failure to appear.

"(a) A person who knowingly fails to abide by a condition of release on citation issued pursuant to § 23-584(d)(1) before his or her first appearance before a judicial officer shall be taken into custody in accordance with § 23-581 and presented before a judicial officer.

"(b) A person who, having been released on a citation issued pursuant to § 23-584 or having posted bond pursuant to § 23-1110, willfully fails to appear as required shall:

"(1) If the offense is a misdemeanor, be fined or imprisoned for not more than the maximum provided for the offense for which such citation was issued; or

"(2) If the offense is a felony, be fined not more than $5,000 and imprisoned for not more than 5 years, or both.

"(3) For the purposes of this section, section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C Law 19-317; D.C. Official Code § 22-357.01), shall not apply.".

(b) Chapter 11 is amended as follows:

(1) The table of contents is amended by striking the phrase "23-1110. Designation of official to take bail or collateral when court is not in session; issuance of citations." and inserting the phrase "23-1110. Designation of official to issue citations or take money or bond." in its place.

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(2) Section 23-1110 is amended to read as follows:

"§ 23-1110. Designation of official to issue citations or take money or bond.

"(a) For the purposes of this section, the term:

"(1) "Releasing official" means a sworn member of a law enforcement agency, as defined in § 23-501(2), appointed by the judges of the Superior Court to:

"(A) Act as a clerk of the court with authority to issue citations pursuant to § 23-584;

"(B) Take money pursuant to § 5-335.01;

"(C) Take bond imposed upon the issuance of a bench warrant by a judicial officer of the Superior Court, from persons charged with offenses triable in the Superior Court;

"(D) Release persons eligible for release pursuant to § 23-584; and

"(E) Tender offers to resolve criminal charges using post-and-forfeit procedures pursuant to § 5-335.01.

"(2) "Superior Court" means the Superior Court of the District of Columbia.

"(b) The judges of the Superior Court may remove releasing officials at any time.

"(c) A releasing official shall:

"(1) Be subject to the orders and rules of the Superior Court in the discharge of his or her duties; and

"(2) Receive no additional compensation for duties performed as a releasing official other than his or her salary as an official of the Metropolitan Police Department or other law enforcement agency operating in the District of Columbia.".

Sec. 3. The First Amendment Assembly Enforcement and Procedure Act of 2004, effective April 12, 2005 (D.C. Law 15-352; D.C. Official Code § 5-335.01 *et seq.*), is amended as follows:

(a) Section 302 (D.C. Official Code § 5-335.01) is amended to read as follows:

"Sec. 302. Enforcement of the post-and-forfeiture procedure.

"(a) For the purposes of this subchapter, the term:

"(1) "MPD" means the Metropolitan Police Department.

"(2) "OAG" means the Office of the Attorney General for the District of Columbia.

"(3) "Post-and-forfeiture procedure" means the mechanism in the criminal justice system in the District of Columbia whereby a person charged with certain misdemeanor crimes may post and simultaneously forfeit an amount of money and thereby obtain a full and final resolution of the criminal charge.

"(4) "Releasing official" shall have the same meaning as provided in D.C. Official Code § 23-1110(a)(1).

"(5) "Superior Court" means the Superior Court of the District of Columbia.

"(b) The resolution of a criminal charge using the post-and-forfeit procedure is not a conviction of a crime and shall not be equated to a criminal conviction. The fact that a person

resolved a charge using the post-and-forfeit procedure may not be relied upon by any District of Columbia court or agency in a subsequent criminal, civil, or administrative proceeding or administrative action to impose any sanction, penalty, enhanced sentence, or civil disability.

"(c) The post-and-forfeit procedure may be offered by a releasing official to arrestees who:

"(1) Meet the eligibility criteria established by the OAG; and

"(2) Are charged with a misdemeanor that the OAG, in consultation with the MPD, has determined is eligible to be resolved by the post-and-forfeit procedure.

"(d) Whenever a releasing official tenders an offer to an arrestee to resolve a criminal charge using the post-and-forfeit procedure, the offer shall be accompanied by a written notice provided to the arrestee describing the post-and-forfeit procedure and the consequences of resolving the criminal charge using this procedure.

"(e) The written notice required by subsection (d) of this section shall include, at a minimum, the following information:

"(1) The amount of money that the arrestee must post-and-forfeit in order to terminate the criminal case;

"(2) That the arrestee has the right to choose whether to:

"(A) Accept the post-and-forfeit offer and terminate the criminal case; or

"(B) Proceed with the criminal case and a potential adjudication on the merits of the criminal charge;

"(3) That, if the arrestee elects to proceed with the criminal case, he or she will be eligible for a release on citation pursuant to D.C. Official Code § 23-584;

"(4) That the agreement to resolve the criminal charge using the post-and-forfeit procedure will be final 90 days after the date the written notice is signed unless, within the 90-day period, the arrestee or the OAG files a motion with the Superior Court to set aside the forfeiture and proceed with the criminal case;

"(5) That, if the arrestee or the OAG does not file a motion to set aside the forfeiture, the resolution of the criminal charge using the post-and-forfeit will preclude the arrestee from obtaining an adjudication on the merits of the criminal charge;

"(6) That the resolution of the criminal charge using the post-and-forfeit procedure is not a conviction of a crime and may not be equated to a criminal conviction, and may not result in the imposition of a sanction, penalty, enhanced sentence, or civil disability by any District of Columbia court or agency in a subsequent criminal, civil, or administrative proceeding or administrative action; and

"(7) That, following the resolution of the charge using the post-and-forfeit procedure, the arrestee will continue to have an arrest record for the charge at issue, unless the arrestee successfully moves in the Superior Court to seal his or her arrest record.

"(f) The written notice required by subsection (d) of this section shall comply with section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933).

"(g) An arrestee who is provided the written notice required by subsection (d) of this section and who wishes to resolve the criminal charge using the post-and-forfeit procedure shall,

after reading the notice, sign the bottom of the notice, thereby acknowledging receiving the information provided in the notice and agreeing to accept the offer to resolve the charge using the post-and-forfeit procedure. After the arrestee signs the notice, the arrestee shall be provided with a copy of the signed notice.".

(b) New sections 303 and 304 are added to read as follows:

"Sec. 303. Post-and-forfeit amounts.

"(a) The Superior Court shall determine the amount of money that is associated with each misdemeanor qualified for resolution using the post-and-forfeit procedure as determined by the OAG pursuant to section 302(c).

"(b) Within 90 days after the Superior Court issues an updated list of the amount of money associated with each qualified misdemeanor, the Chief of Police shall issue the list of misdemeanors that law enforcement officers are authorized to resolve using the post-and-forfeit procedure. The Chief of Police shall make the list available to the public, including placing the list on the MPD website and having it available for review in each police station.

"Sec. 304. Reporting requirement.

"Beginning March 15, 2015, and on an annual basis thereafter, the Mayor shall submit a public report to the Council, identifying the total amount of money collected the previous year using the post-and-forfeit procedure and the number of criminal charges, by specific charge, resolved the previous year using the post-and-forfeit procedure.".

Sec. 4. Section 266(b)(1)(C) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.66(b)(1)(C)), is amended by striking the phrase "was requested." and inserting the phrase "was requested; provided, that forfeitures of collateral in a court proceeding shall not include any forfeiture of collateral that was made pursuant to the post-and-forfeit procedure, as that term is defined in section 302(a) of the First Amendment Assembly Enforcement and Procedure Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-335.01(a))." in its place.

Sec. 5. Section 1004.4 of Title 1 of Chapter 10 of the District of Columbia Municipal Regulations is amended by striking the phrase "court proceeding." and inserting the phrase "court proceeding. A forfeiture of collateral in a court proceeding shall not include a forfeiture of collateral that is made pursuant to the post-and-forfeit procedure, as that term is defined in D.C. Official Code § 5-335.01(a)." in its place.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as

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provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 5, 2014

ENROLLED ORIGINAL

A RESOLUTION

20-530

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Mr. James W. Dyke, Jr. as a member of the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia James W. Dyke, Jr. Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. James W. Dyke, Jr.
2125 Cabots Point Lane
Reston, VA 20191

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), for a term to end May 15, 2019.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Mr. Reginald M. Felton as a member of the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Reginald M. Felton Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Reginald M. Felton
2709 Unicorn Lane, N.W.
Washington, D.C. 20015
(Ward 4)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), for a term to end May 15, 2019.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-532

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Rev. Kendrick E. Curry as a member of the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Kendrick E. Curry Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Rev. Kendrick E. Curry
3045 Q Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), for a term to end May 15, 2019.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-560

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve Modification No. 9 to Contract No. CFOPD-08-C-023 with Calvert Investment Distributors, Inc., to continue to provide plan management services for the District of Columbia's 457 College Savings Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-08-C-023 Modification Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Modification No. 9 to Contract No. CFOPD-08-C-023 with Calvert Investment Distributors, Inc., to continue to provide recordkeeping, administration, investment management, marketing, customer service, and custodial services for the District of Columbia's 457 College Savings Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

(b) On June 28, 2013, the Contracting Officer executed Modification No. 2, which partially exercised the 1st year of a 2- year option period, Option Period One, from July 1, 2013, through October 31, 2013, in the amount of $833,332. Modifications Nos. 3 through 8 partially exercised the remainder of the 1st year of Option Period One from November 1, 2013, through July 31, 2014, at no cost.

(c) Proposed Modification No. 9 would exercise the 2nd year of Option Period One from August 1, 2014, through June 30, 2015, in the not-to-exceed amount of $4,166,668.

(d) Council approval is necessary because Modification No. 9 increases the contract to more than $1 million during a 12-month period. Council approval is further necessary to allow the continuation of these vital services and to allow Calvert Investment Distributors, Inc., to continue performance under the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

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Contract No. CFOPD-08-C-023 Modification Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve the multiyear option extension of Contract CFOPD-10-C-038 with Intralot, Inc. to continue to provide the District's on-line gaming system and related services for the District of Columbia Lottery and Charitable Games Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-10-C-038 On-line Gaming System and Related Services Approval Resolution of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the 5-year option of Contract CFOPD-10-C-038 with Intralot, Inc. to continue to provide the District's on-line gaming system and related services for the District of Columbia Lottery and Charitable Games Control Board in the amount of 2.5999 percent of sales, not to exceed $38 million.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Ms. Betty Ann Kane as a member and Chairperson of the Public Service Commission of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Service Commission Betty Ann Kane Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Betty Ann Kane
118 5th Street, N.E.
Washington, D.C. 20002
(Ward 6)

as a member and Chairperson of the Public Service Commission of the District of Columbia, established by section 8(97) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 995; D.C. Official Code § 34-801), for a term to end June 30, 2018.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

20-563

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To authorize certain hearings and roundtables during recess and to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20, to allow for budget modifications for Fiscal Year 2014 grants for the University of the District of Columbia to be considered during recess.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Recess Authorization Resolution of 2014".

Sec. 2. The Chairman of the Council is authorized to hold a hearing or roundtable, including a joint hearing or roundtable, on a contract, reprogramming, budget modification, measure, or proposed actions by the Mayor, or take any other actions necessary during the period of July 15 through September 15, 2014.

Sec. 3. The Committee on Economic Development is authorized to hold public hearings or roundtables on matters related to the proposed soccer stadium development from July 15 through July 31, 2014.

Sec. 4. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20, effective January 2, 2013 (Res. 20-1; 60 DCR 627), is amended as follows:

(a) Section 306(b) is amended by adding a new paragraph (4) to read as follows;

"(4) Notwithstanding any other law or rule, requests for budget modifications for Fiscal Year 2014 grant funds for the University of the District of Columbia may be transmitted to the Secretary from July 15 through September 15, 2014, and the time period for the requests may be counted from July 15 through September 15, 2014.".

(b) Section 711 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows;

"(b) Notwithstanding any other law or rule, requests for budget modifications for Fiscal Year 2014 grant funds for the University of the District of Columbia may be submitted from July 15 through September 15, 2014, and the time period for the requests may be counted from July 15 through September 15, 2014.".

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Sec. 5. This resolution shall expire on September 16, 2014.

Sec. 6. This resolution shall take effect immediately.

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A RESOLUTION

20-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the sense of the Council of the District of Columbia in support of renaming a portion of International Place, N.W., for Dr. Liu Xiaobo.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council of the District of Columbia in Support of Renaming a Portion of International Place, N.W., for Dr. Liu Xiaobo Resolution of 2014".

Sec. 2. The Members of the Council of the District of Columbia find that:

(1) June 4, 2014, marked the 25th anniversary of the Tiananmen Square massacre in which the Chinese government exercised military force to brutally suppress peaceful pro-democracy demonstrators.

(2) Dr. Liu Xiaobo is a Chinese scholar and democracy activist who was first imprisoned for 2 years by the Chinese government following the 1989 Tiananmen Square protests, then served 3 years in a labor camp for criticizing China's one-party system. Dr. Liu was finally arrested in 2009 on the grounds of "inciting subversion" after he authored a political manifesto known as Charter 08, which called for democratic reform and respect for human rights in China.

(3) In recognition of Dr. Liu's long and non-violent struggle for fundamental human rights in China, he was awarded the Nobel Peace Prize in October 2010.

(4) After Dr. Liu's receipt of the award, the Chinese government placed his wife, Liu Xia, a poet and painter, under house arrest where she has remained since without charge. Liu Xia now suffers from severe depression, has no ability to challenge her detention, and refuses to seek medical attention out of fear of further punishment.

(5) Andrei Sakharov was a Soviet activist who was arrested in 1980 and sent to internal exile in an isolated Russian city where he was kept under police surveillance and repeatedly subjected to searches and heists by the government.

(6) After Mr. Sakharov's wife, Yelena Bonner, was also detained in 1984, he began a hunger strike, demanding permission for his wife to travel to the United States for heart surgery. Instead, she was sentenced by a court to join her husband in exile.

(7) Later in 1984, Senator Alphonse D'Amato (R-NY) authored an amendment approved by Congress that renamed the land occupied by the Soviet Embassy on 16th Street, N.W., in the District of Columbia as 1 Andrei Sakharov Plaza.

(8) Mr. Sakharov started a new hunger strike, renewing his demand for his wife to seek medical attention in the United States. By October of 1985, she was finally allowed to

travel to the United States for heart surgery, and in December of 1986, Mr. Sakahrov and his wife were allowed to return out of exile to Moscow.

(9) The renaming of the street in front of the Soviet embassy was credited, in part, with raising public awareness and symbolically demonstrating to the Soviets that the attention of the nation's capital was focused on this human rights violation.

(10) On May 29, 2014, 13 Members of Congress, including Congresswoman Eleanor Holmes Norton (D-DC) and Congressman Frank Wolf (R-VA), sent a letter to the Mayor of the District of Columbia and the Council of the District of Columba requesting that District take steps, using its local authority, to rename the street in front of the Chinese embassy for Dr. Liu.

(11) There are times – and this is one of them – when the naming of a street, even symbolically, can advance the cause of human rights in the world.

(12) After reviewing land records, it was determined that the land on which the Chinese embassy sits at 3505 International Place, N.W., in Square 2055, and the system of roads within that square, including International Place, N.W., are owned and maintained by the United States government and are not under the jurisdiction of the District of Columbia. Therefore, the street cannot be designated by the Council pursuant to the process outlined in the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201 *et seq*.), for renaming public spaces in the District.

Sec. 3. It is the sense of the Council of the District of Columbia that:

(1) Renaming the street in front of the Chinese Embassy in the District of Columba after Dr. Liu Xiaobo would send a clear and powerful message that the United States remains vigilant and resolute in its commitment to safeguard human rights around the globe, particularly at a time when the world community remembers the events of Tiananmen Square 25 years ago this month.

(2) The Council appreciates recognition by Members of Congress of the District's prerogative in addressing local issues locally, including the naming of public spaces within the District.

(3) Because International Place, N.W., is not on public space controlled by the District, actions should be taken by the Congress or appropriate federal agencies to rename the portion of International Place, N.W., adjacent to the Chinese Embassy for Dr. Liu Xiaobo.

Sec. 4. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the President of the United States, the United States House of Representatives, and the United States Senate.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

20-565

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCPL-2013-C-0004 with Martinez and Johnson Architecture to provide architectural and engineering design services for the Martin Luther King Jr. Memorial Library, and to authorize payment for those services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Proposed Multiyear Contract No. DCPL-2013-C-0004 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve multiyear Contract DCPL-2013-C-0004 with Martinez & Johnson Architecture for architectural and engineering design services, including programming and conceptual design services, for the renovation of and addition to the Martin Luther King Jr. Memorial Library for a performance period of 791 calendar and to authorize payment for the services to be received under the contract.

(b) On February 16, 2014, the Technical Evaluation Panel recommended the award to Martinez & Johnson Architecture of Contract No. DCPL-2013-C-0004 and transmitted its results to the Chief Procurement Officer and the former interim Chief Librarian. After an independent evaluation, the Chief Procurement Officer recommended that the contract be awarded to Martinez & Johnson Architecture, for a performance period of 791 calendar days.

(c) The estimated total expenditure under this multiyear contract with Martinez & Johnson Architecture is $2,700,300.

(d) Council approval is necessary for the contract is one in excess of $1 million and to allow the performance and payment for these vital services. Without this approval, Martinez & Johnson Architecture cannot perform the multiyear services or be paid for the services to be provided in excess of $1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Proposed Multiyear Contract No. DCPL-2013-C-0004 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-566

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-001A with 2321 4TH STREET, LLC for LRSP units located at 2321 4th Street N.E., and to authorize payment for housing services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-001A Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

Sec. 3. In April 2013, DCHA participated in a Request for Proposals issued by the District of Columbia Department of Housing and Community Development ("DHCD"). Of the total proposals received, 18 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low income families making 0-30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities throughout the District. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term contract ("ALTSC") with the selected housing providers under the LRSP for housing services provided under the contract.

ENROLLED ORIGINAL

Sec. 4 (a) There exists an immediate need to approve an ALTSC with 2321 4TH STREET, LLC under the District of Columbia Housing Authority's Local Rent Supplement Program to provide long-term affordable housing units for extremely low-income households in the District for units at North Capitol Commons.

(b) Emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and 2321 4TH STREET, LLC with respect to the payment of rental subsidy, and allow the owner to lease the rehabilitated units at North Capitol Commons and house District of Columbia extremely low income households with incomes at 30% or less of the area median income.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 4 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2013-LRSP-001A Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-567

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-02A with Partner Arms 4, LLC for LRSP units at Delta Commons, located at 5066 & 5678 Benning Road, S.E. – 5010 Southern Avenue, S.E., and to authorize payment for housing services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-02A-Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

Sec. 3. In April 2013, DCHA participated in a Request for Proposals issued by the District of Columbia Department of Housing and Community Development ("DHCD"). Of the total proposals received, 18 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low income families making 0 to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities throughout the District. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term contract ("ALTSC") with the selected housing providers under the LRSP for housing services provided under the contract.

Sec. 4. (a) There exists an immediate need to approve a certain ALTSC with Partner Arms 4, LLC under the District of Columbia Housing Authority's Local Rent Supplement Program to provide

ENROLLED ORIGINAL

long term affordable housing units for extremely low-income households in the District of Columbia for units at Delta Commons, located at 5066 & 5678 Benning Road,S.E.– 5010 Southern Avenue, S.E.

(b) The emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and Partner Arms 4, LLC with respect to the payment of rental subsidy, and allow the owner to lease the rehabilitated units at Delta Commons and house District of Columbia extremely low income households with incomes at 30% or less of the area median income.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 4 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2013-LRSP-02A Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-568

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-03A with Transitional Housing Corporation for LRSP units at Partner Arms 1, located at 935 Kennedy Street N.W., and to authorize payment for housing services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-03A Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

Sec. 3. In April 2013, DCHA participated in a Request for Proposals issued by the District of Columbia Department of Housing and Community Development ("DHCD"). Of the total proposals received, 18 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low income families making 0 to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities throughout the District. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term contract ("ALTSC") with the selected housing providers under the LRSP for housing services provided under the contract.

Sec. 4. (a) There exists an immediate need to approve a certain ALTSC with Transitional Housing Corporation under the District of Columbia Housing Authority's Local Rent Supplement

ENROLLED ORIGINAL

Program to provide long term affordable housing units for extremely low-income households in the District of Columbia for units at Partner Arms 1, located at 935 Kennedy Street N.W.

(b) The emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and Transitional Housing Corporation with respect to the payment of rental subsidy and allow the owner to lease the rehabilitated units at Partner Arms 1 and house District of Columbia extremely low income households with incomes at 30% or less of the area median income.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 4 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2013-LRSP-03A Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-569

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-06A with N Street Village, Inc. for LRSP units at Miriam's House, located at 1300 Florida Avenue N.W. , and to authorize payment for housing services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-06A Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

Sec. 3. In April 2013, DCHA participated in a Request for Proposals issued by the District of Columbia Department of Housing and Community Development ("DHCD"). Of the total proposals received, 18 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low income families making 0 to 30% percent of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities throughout the District. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term contract ("ALTSC") with the selected housing providers under the LRSP for housing services provided under the contract.

Sec. 4. (a) There exists an immediate need to approve a certain ALTSC with N Street Village, Inc. under the District of Columbia Housing Authority's Local Rent Supplement Program to provide

ENROLLED ORIGINAL

long- term affordable housing units for extremely low-income households in the District of Columbia for units at Miriam's House, located at 1300 Florida Avenue, N.W.

(b) The emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and N Street Village, Inc. with respect to the payment of rental subsidy, and allow the owner to lease the rehabilitated units at Miriam's House and house District of Columbia extremely low income households with incomes at 30% or less of the area median income.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 4 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2013-LRSP-06A Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-570

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program ("LRSP") to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-001A with North Capitol Commons, LP for LRSP units located at 1005 N. Capitol Street, N.E., and to authorize payment for housing services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2014-LRSP-001A-Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

Sec. 3. In November, 2013 DCHA received an unsolicited proposal for 17 Local Rent Supplement ("LRSP") Project-Based Vouchers from North Capitol Commons, LP ("the Owner"). Pursuant to the District of Columbia Housing Authority Act of 1999, DCHA is to operate its LRSP as a Partnership Program. The Owner has been selected pursuant to the Partnership Program, which allows DCHA to award a Housing Assistance Payment contract without a competitive process after review by the Board of Commissioners. The DCHA Board of Commissioners approved a resolution granting the 17 LRSP vouchers, and upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term contract ("ALTSC") with the Owner under the LRSP for housing services provided under the contract.

ENROLLED ORIGINAL

Sec. 4. (a) There exists an immediate need to approve an ALTSC with North Capitol Commons, LP under the DCHA's Local Rent Supplement Program to provide long term affordable housing units for extremely low-income households in the District of Columbia for units at North Capitol Commons.

(b) The emergency legislation to approve the contract will authorize an ALTSC between the DCHA and North Capitol Commons, LP with respect to the payment of rental subsidy, and allow the owner to lease the rehabilitated units at North Capitol Commons and house District of Columbia extremely low income households with incomes at 30% or less of the area median income.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in sections 2,3, and 4 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2014-LRSP-001A Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-571

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to the need to approve an extension of time to dispose of District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Extension of Time to Dispose of the Strand Theater Emergency Declaration Resolution of 2014".

Sec. 2. (a) On June 16, 2008, the Deputy Mayor for Planning and Economic Development awarded Washington Metropolitan Community Development Corporation ("Developer"), exclusive rights to negotiate to redevelop the District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known for tax and assessment purposes as Lot 801 in Square 5196 ("Strand Theater"), along with an adjacent developer-owned property, as part of a commercial-use project that will include vibrant, street-front retail, a community and office space, and off-street parking.

(b) Pursuant to the Land Disposition Agreement dated March 30, 2010, the Developer is required to secure all sources of financing for the Strand Theater as a condition precedent to closing. Due to a risk-adverse market, lender underwriting standards were raised in terms of equity requirements and debt-service coverage ratios forcing a slight reduction in the project's scale. Lender requirements that a retail tenant be secured before committing financing to the project have led to further delays. Additionally, other sources of funding, including public lenders, would not have committed until the Developer secured a higher loan-to-value ratio.

(c) The Mayor has recently allocated an additional $1 million to improve the physical structure to make it more attractive to potential tenants. An affordable housing project has been approved across the street, which will also increase the site's marketability. The closing on the property will not occur by the expiration of the Council's extension to October 6, 2014, pursuant to the Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2013, effective January 25, 2014 (D.C. Law 20-65; 61 DCR 1431).

ENROLLED ORIGINAL

(d) The proposed legislation will extend the Mayor's authority to dispose of the property until October 6, 2015, to allow the parties to meet the closing and pre-development deadlines.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extension of Time to Dispose of the Strand Theater Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 20-722, Percy Battle Way Designation Act of 2014

Bill 20-831, D.C. No Taxation Without Representation Way Designation Act of 2014

Bill 20-893, D.C. Statehood Now Boulevard Designation Act of 2014

on

Thursday, October 16, 2014
9:30 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing of the Committee of the Whole on **Bill 20-722**, the "Percy Battle Way Designation Act of 2014," **Bill 20-831**, the "D.C. No Taxation Without Representation Way Designation Act of 2014," and **Bill 20-893**, the "D.C. Statehood Now Boulevard Designation Act of 2014." The public hearing will be held Thursday, October 16, 2014, at 9:30 a.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of **Bill 20-722** is to symbolically designate the 1100 block of Chicago Street, S.E., between Martin Luther King Jr. Avenue, S.E. and Railroad Avenue, S.E., in Ward 8, as Percy Battle Way. The stated purpose of **Bill 20-831** is to symbolically designate First Street, N.E and First Street, S.E. between Constitution Avenue and Independence Avenue, in Ward 6 as D.C. No Taxation Without Representation Way. The stated purpose of **Bill 20-893** is to symbolically designate the 1500 and 1600 blocks of Pennsylvania Avenue, N.W., in Ward 2, as D.C. Statehood Now Boulevard.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Evan Cash, Committee Director, at ecash@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Tuesday, October 14, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on October 14, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of the bills can be obtained through the Legislative Services Division of the Secretary of the Council's office or on http://lims.dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, October 30, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

Bill 20-759, the Transportation Reorganization Act of 2014

Monday, October 6, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, October 6, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a second public hearing on Bill 20-759, the Transportation Reorganization Act of 2014. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Over the years, the District has organized the responsibilities for transportation in many different ways. Years ago, all of the functions were consolidated in the Department of Public Works (DPW). In 1998, the Department of Motor Vehicles (DMV) was spun off from DPW. The District Department of Transportation (DDOT) and the District Department of the Environment (DDOE) followed in 2002 and 2006, respectively. Since DDOT was created, however, there has not been an open, reflective process to consider whether the current agency structures are working, whether they could be improved, and what other effective models exist. At the same time, many new major transportation programs have been created – from Circulator to Streetcar to performance parking to ridesharing.

Since the first public hearing on this bill in June, the Committee has held a series of working group meetings exploring the issues raised by the bill in depth. Over 100 experts, advocates, agency staff, and other residents have attended these meetings. In mid-September, the Committee will release a revised draft of the bill that incorporates a lot of the feedback that has been received. The revised draft will be posted online at http://www.marycheh.com/tra and will be the subject of this hearing.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on June 18, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

Bill 20-886, Paint Stewardship Act of 2014

Friday, September 19, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, September 19, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-886, the Paint Stewardship Act of 2014. This bill would require producers of architectural paint sold in the District to establish and implement a paint stewardship program, which would provide for the recycling of their products. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on October 3, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

Bill 20-889, the For-Hire Vehicle Accessibility Amendment Act of 2014

Tuesday, September 30, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Tuesday, September 30, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-889, the For-Hire Vehicle Accessibility Amendment Act of 2014. This bill would change the name of the Disability Advisory Committee and clarify its organization, clarify wheelchair-accessible fleet requirements, and establish a fee and fund related to increasing the number of wheelchair-accessible vehicles within the District It would also provide a tax credit for purchasing a wheelchair-accessible vehicle or upgrading a vehicle to make it wheelchair-accessible. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on October 14, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

B20-904, the Department of Parks and Recreation Fee-based Use Permit Authority Clarification Act of 2014

Tuesday, October 14, 2014
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Tuesday, October 14, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill B20-904, the Department of Parks and Recreation Fee-based Use Permit Authority Clarification Act of 2014. This bill would clarify that the Healthy Parks Act of 2014 is effective and not conditioned on the issuance of regulations. The hearing will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on October 14, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

Bill 20-905, the Public Space Enforcement Amendment Act of 2014

Monday, September 29, 2014
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, September 29, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-905, the Public Space Enforcement Amendment Act of 2014. This bill, which was introduced by the Mayor, would amend many existing public space laws to consolidate enforcement authority within DDOT. It would also provide DDOT with new authority to enforce newspaper boxes and signs in public space. Currently, DDOT replies on a patchwork of outdated laws to enforce the District's public space regulations. The hearing will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on October 13, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

PR 20-918, Historic Preservation Review Board Joseph Taylor Confirmation Resolution of 2014

and

PR 20-919, Historic Preservation Review Board Rauzia Ruhana Ally Confirmation Resolution of 2014

on

Friday, September 19, 2014
12:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 20-918, the "Historic Preservation Review Board Joseph Taylor Confirmation Resolution of 2014" and PR 20-919, Historic Preservation Review Board Rauzia Ruhana Ally Confirmation Resolution of 2014. The hearing will be held Friday, September 19, 2014 at 12:00 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purposes of PR 20-918 and PR 20-919 are to confirm the reappointments of Joseph Taylor and Rauzia Ruhana Ally, respectively, as public members of the Historic Preservation Review Board (HPRB). The HPRB guides the government and the public on preservation matters in the District of Columbia, including review of development projects in light of the historic preservation laws. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of these nominees for the HPRB.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Jessica Jacobs, Legislative Counsel, at jjacobs@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Wednesday, September 17, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on September 17, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of PR 20-918 and PR 20-919 can be obtained through the Legislative Services Division of the Secretary of the Council's office or on http://lims.dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, October 3, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

PR 20-971, District of Columbia Commemorative Works Committee Christopher Magnuson Confirmation Resolution of 2014

and

PR 20-972, District of Columbia Commemorative Works Committee Barbara Deutsch Confirmation Resolution of 2014

on

Friday, September 19, 2014
12:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 20-971, the District of Columbia Commemorative Works Committee Christopher Magnuson Confirmation Resolution of 2014 and PR 20-972, District of Columbia Commemorative Works Committee Barbara Deutsch Confirmation Resolution of 2014. The hearing will be held Friday, September 19, 2014 at 12:30 p.m., or immediately following the preceding hearing, in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purposes of PR 20-971 and PR 20-972 are to confirm the appointments of Christopher Magnuson and Barbara Deutsch, respectively, as citizen members of the District of Columbia Commemorative Works Committee (CWC). The CWC advises and recommends to the Council a disposition of each application to place a commemorative work on public space in the District of Columbia and is made up of three citizens and nine ex-officio members appointed by the Mayor. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of these nominees for the CWC.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Evan Cash, Committee Director, at ecash@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Wednesday, September 17, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on September 17, 2014, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of PR 20-971 and PR 20-972 can be obtained through the Legislative Services Division of the Secretary of the Council's office or on http://lims.dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, October 3, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

The District of Columbia Streetcar System

Monday, November 3, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, November 3, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District of Columbia Streetcar System. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The District Department of Transportation has planned an 8-line, 37-mile streetcar system throughout the District. Passenger service is expected to begin on the initial H Street / Benning Road segment by the end of 2014. The District is already spending tens of millions of dollars on the streetcar system and has budgeted an additional $700 million during the next 6 years. The purpose of this hearing is to discuss the status of the initial segment, plans for future lines, proposals from the private sector, governance alternatives, and financing options for the streetcar system.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on November 17, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

The District's Snow Removal Operations Plan for Winter 2014-2015

Monday, October 27, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, October 27, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District's Snow Removal Operations Plan for Winter 2014-2015. The roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Department of Public Works has the primary responsibility for the District's snow removal operations. Efficient operations require the participation and coordination of many government agencies and hundreds of employees. The roundtable will examine DPW's readiness for the coming snow season and the agency's ability to coordinate with other entities.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on November 10, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

PR 20-892, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2014

PR 20-893, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Confirmation Resolution of 2014

Friday, October 10, 2014
at 11:00 a.m.
in Room 120 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, October 10, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public roundtable on PR 20-892, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2014, and PR 20-893, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Confirmation Resolution of 2014. This legislation would re-appoint Howard Gibbs and Rachna Butani to Board of Directors of the District of Columbia Water and Sewer Authority (known as DC Water). The roundtable will begin at 11:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on October 13, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA

EXCEPTED SERVICE APPOINTMENTS AS OF JULY 31, 2014

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	**POSITION TITLE**	**GRADE**	**TYPE OF APPOINTMENT**
Weise, Barry	Senior Legislative Assistant	7	Excepted Service - Reg Appt
House, Jermaine	Legislative Assistant	4	Excepted Service - Reg Appt
Browne, Tiffany	Communications Director	4	Excepted Service - Reg Appt
Finnell, Tamika	Administrative Assistant	1	Excepted Service - Reg Appt
Bulger, James	Constituent Services Specialist	4	Excepted Service - Reg Appt

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION *

Posting Date: August 8, 2014
Petition Date: September 22, 2014
Hearing Date: October 6, 2014
Protest Date: December 3, 2014

License No.: ABRA-096224
Licensee: **Ima Pizza Store 7, LLC ***
Trade Name: & Pizza
License Class: Retail Class "C" Restaurant
Address: 1400 K Street, NW
Contact: Paul L. Pascal (202) 544-2200

WARD 2 ANC 2F SMD 2F05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for December 3, 2014 4:30pm.

NATURE OF OPERATION
To prepare and sell pizza and prepared pizzeria food products. Recorded music. Seating capacity is 42 and total occupancy load is 63.

HOURS OF OPERATION
Sunday through Thursday 7 am – 2 am; Friday and Saturday 7 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE & CONSUMPTION
Sunday through Thursday 8 am – 2 am; Friday and Saturday 8 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 15, 2014
Petition Date:	September 29, 2014
Hearing Date:	October 14, 2014
License No.:	ABRA-090297
Licensee:	Dancing Crab, LLC
Trade Name:	Dancing Crab
License Class:	Retailer's Class "C" Restaurant
Address:	4615 41st Street NW
Phone:	

WARD 3 ANC 3E SMD 3E01

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, NW, Washington, DC, 20009. A petition or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO THE NATURE OF OPERATIONS:
The change is for an expansion of seating to the 3rd floor. The addition of summer gardens on the second floor and on the rooftop of the 3rd floor seating of 42. The addition of an enclosed Sidewalk Café, 20 seats. The seating capacity is 165 of which 42 are Summer Gardens/rooftop and the total capacity is 218.

CURRENT HOURS OF OPERATIONS/ ALCOHOLIC BEVERAGE SALES/CONSUMPTION
SUMMERGARDEN
Sunday through Saturday 11 am -2 am

PROPSED HOURS OF OPERATIONS/ALCOHOLIC BEVERAGE SALES CONSUMPTION FOR THE SUMMER GARDEN/ROOFTOP AND SIDEWALK CAFE
Sunday through Thursday 11 am – 11 pm Friday and Saturday 11 am – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Correction***

Posting Date:	August 1, 2014
Petition Date:	September 15, 2014
Hearing Date:	September 29, 2014
Protest Hearing Date:	November 19, 2014

License No.:	ABRA-060236
Licensee:	Albo Corporation
Trade Name:	Eleven Market
License Class:	Retailer's Class "B" Grocery
Address:	1936 11th Street NW
Contact:	Aklile B. Gebrewold 202-299-9090

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this licensee has applied for a substantial change to the License under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, D.C. 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:30 pm on November 19, 2014.

NATURE OF SUBSTANTIAL CHANGE

Requesting Class Change form Class "B" Grocery to Retail Class "A" Liquor Store***

HOURS OF OPERATION/HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday 9 am – 12 am,Monday through Saturday 8 am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 15, 2014
Petition Date: September 29, 2014
Hearing Date: October 14, 2014

License No.: ABRA-095047
Licensee: Fair and Balanced, LLC
Trade Name: Evolve Vegan Restaurant
License Class: Retailer's Class "C" Tavern
Address: 341 Cedar Street, NW

Contact: Geoffrey Napper (202)-882-8999

WARD 4 ANC 4B SMD 4B01

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE
Request is for an Entertainment Endorsement. Entertainment will include live bands and entertainers. There will only be acoustic shows. No amplification, loud and/or offensive music.

CURRENT HOURS OF OPERATION/ SALES/SERVICE/CONSUMPTION
Sunday through Saturday 10 am -12 am

PROPOSED HOURS OF ENTERTAINMENT
Sunday through Saturday 6pm- 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 15, 2014
Petition Date:	September 29, 2014
Roll Call Hearing Date:	October 14, 2014
License No.:	ABRA-093974
Licensee:	S & A Deli, Inc.
Trade Name:	Good Hope Deli & Market
License Class:	Retailer's Class "A" Liquor Store
Address:	1736 Good Hope Road, SE.
Contact:	Seres Snyder & C.J. Park: 202-610-9888/703-869-4099

WARD 8 ANC 8A SMD 8A02

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE
REQUESTING CHANGE FROM CLASS "B" GROCERY STORE TO RETAIL CLASS "A" LIQUOR STORE.

HOURS OF OPERATION:
Sunday through Saturday: 7am – 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES AND CONSUMPTION:
Sunday through Saturday: 7am -10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/15/2014

**READVERTISEMENT

Notice is hereby given that:
License Number: ABRA-088675 **License Class/Type: C Restaurant**
Applicant: R - S, INC
Trade Name: Kitty's Saloon
ANC: 6A01

Has applied for the renewal of an alcoholic beverages license at the premises:

1208 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

9/29/2014

HEARING WILL BE HELD ON

10/14/2014

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11am - 2am	11am -2am	-
Monday:	11am - 2am	11am - 2am	-
Tuesday:	11am - 2am	11am - 2am	-
Wednesday:	11am - 2am	11am - 2am	-
Thursday:	11am - 2am	11am - 2am	-
Friday:	11am - 3am	11am - 3am	-
Saturday:	11am - 3am	11am - 3am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 15, 2014
Petition Date: September 29, 2014
Hearing Date: October 14, 2014
Protest Date: December 10, 2014

License No.: ABRA-096299
Licensee: Matzuy Billiards, LLC
Trade Name: Matsuy Billiards
License Class: Retail Class "D" Restaurant
Address: 1772 Columbia Road NW
Contact: Luisa N. Tello 301-758-5866

WARD 1 ANC 1C SMD 1C07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2nd Floor, Suite 400 S, 2000 14th Street, NW, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on December 10, 2014 at 1:30pm.

NATURE OF OPERATION
Billiards parlor to add small restaurant. Types of food are sandwiches with delicatessen foods. No Entertainment. Seating capacity is 6 and total occupancy load is 6.

HOURS OF OPERATION
Sunday 10 am -2 am Monday through Saturday 10 am -3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE & CONSUMPTION
Sunday through Thursday 10 am – 2 am Friday and Saturday 10 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION**

Posting Date:	August 1, 2014
Petition Date:	September 15, 2014
Roll Call Hearing Date:	September 29, 2014
Protest Hearing Date:	November 19, 2014
License No.:	ABRA-096102
Licensee:	MYIA, LLC
Trade Name:	To Be Determined
License Class:	Retailer's Class "C" Restaurant
Address:	1419 Wisconsin Avenue, NW
Contact:	ANDREW KLINE: 202-686-7600

WARD 2 ANC 2E SMD 2E03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on November 19, 2014 at 4:30 pm.

THIS IS A TRANSFER TO NEW LOCATION:
FROM: 1010 WISCONSIN AVENUE, NW
TO: 1419 WISCONSIN AVENUE, NW

NATURE OF OPERATION ***
Restaurant specializing in brick oven pizza. No entertainment. No dancing.
No nude performances. Occupancy Load #100**

HOURS OF OPERATION
Sunday through Thursday: 9am-2am, Friday and Saturday: 9am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION
Sunday through Thursday: 9am-2am, Friday and Saturday: 9am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 15, 2014
Petition Date: September 29, 2014
Hearing Date: October 14, 2014

License No.: ABRA-060618
Licensee: LHCW Hotel Operating Company (2002) LLC
Trade Name: The Fairmont Washington, DC
License Class: Retailer's Class "C" Hotel
Address: 2401 M Street, NW

Contact: Sheila Linn (202) 429-2400

WARD 2 ANC 2A SMD 2A02

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE
Request for Summer Garden. The Summer Garden capacity is 64.

CURRENT HOURS OF OPERATION
Sunday through Thursday 6:00 am- 2:00am
Friday through Saturday 6:00 am- 3:00am

CURRENT HOURS OF SALES/SERVICE/CONSUMPTION
Sunday 10:00 am- 2:00am
Monday through Thursday 8:00am- 2:00am
Friday through Saturday 8:00am- 3:00am

PROPOSED HOURS OF OPERATION/SALES/SERVICE/CONSUMPTION/ SUMMER GARDEN
Sunday 10:00 am- 11:00pm
Monday through Thursday 8:00am- 12:00am
Friday through Saturday 8:00am- 12:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 15, 2014
Petition Date:	September 29, 2014
Roll Call Hearing Date:	October 14, 2014
Protest Hearing Date:	December 10, 2014
License No.:	ABRA-096176
Licensee:	Wet Dog, LLC
Trade Name:	Wet Dog Tavern
License Class:	Retailer's Class "C" Tavern
Address:	2100 Vermont Ave., NW
Contact:	Andrew Kline: 202-686-7600

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on December 10, 2014 at 4:30 pm.

NATURE OF OPERATION

Tavern serving American Food. Occasional live entertainment to include Deejays, live music and dancing. No nude performances. Sidewalk Café Seats is 30, Summer Garden with Backyard Seats of 70. Summer Garden RoofDeck total is 30, Entertainment Endorsement, Cover Charge, Dancing. Total Occupancy Load 200.

HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

SIDEWALK CAFÉ HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

SIDEWALK CAFÉ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE CONSUMPTION

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

SUMMER GARDEN BACKYARD & ROOFDECK HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

SUMMER GARDEN BACKYARD & ROOFDECK HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday: 6pm-2am, Friday and Saturday: 6pm-3am

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETINGS REGARDING

SURPLUS RESOLUTIONS PURSUANT TO D.C. OFFICIAL CODE 10-801

The District will conduct a public hearing to receive public comments on the proposed surplus of the following District properties. The date, time and location shall be as follows:

Properties: Square 5344, Lot 0802 – 4650 Benning Road, SE ("Fletcher Johnson School Building")

Date: September 10, 2014

Time: 6:30 p.m.

Location: Dorothy I. Height/Benning Neighborhood Library
3935 Benning Road NE
Washington, DC 20019

Contact: Althea O. Holford
Office of the Deputy Mayor for Education
202.727.4036 or althea.holford@dc.gov

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETINGS REGARDING

SURPLUS RESOLUTIONS PURSUANT TO D.C. OFFICIAL CODE 10-801

The District will conduct a public hearing to receive public comments on the proposed surplus of the following District properties. The date, time and location shall be as follows:

Properties: 4531, Lot 0820 – 500 19th Street, NE ("Gibbs School Building")

Date: September 9, 2014

Time: 6:30 p.m.

Location: Rosedale Recreation Center
1701 Gales Street, NE
Washington, DC 20002

Contact: Althea O. Holford
Office of the Deputy Mayor for Education
202.727.4036 or althea.holford@dc.gov

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETINGS REGARDING

SURPLUS RESOLUTIONS PURSUANT TO D.C. OFFICIAL CODE 10-801

The District will conduct a public hearing to receive public comments on the proposed surplus of the following District properties. The date, time and location shall be as follows:

Properties: Square 3382, Lot 0000 – 100 Gallatin Street, NE ("Mamie D. Lee School Building")

Date: September 11, 2014

Time: 6:30 p.m.

Location: Lamond-Riggs Neighborhood Library
5401 South Dakota Ave, NE
Washington, DC 20011

Contact: Althea O. Holford
Office of the Deputy Mayor for Education
202.727.4036 or althea.holford@dc.gov

BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure, "No Worker Shall Make Less Than the Minimum Wage Act of 2016", is a proper subject matter for initiative, at the Board's meeting on September 10, 2014 at 10:30 am., One Judiciary Square, 441 4th Street, N.W., Suite 280, Washington DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, September 4, 2014 to the Board of Elections, General Counsel's Office, One Judiciary Square, 441 4th Street, N.W., Suite 270, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization represented (if any) by calling the General Counsel's office at 727-2194 no later than Friday, September 5, 2014 at 4:00p.m.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

"NO WORKER SHALL MAKE LESS THAN THE MINIMUM WAGE ACT OF 2016"

SUMMARY STATEMENT

This initiative, if passed, would increase the minimum wage in the District of Columbia to $15.00 and eliminate the loophole that allows employers to pay tipped workers only $2.77 an hour. This initiative would:

- increase the minimum wage in the District of Columbia to $15.00 by 2019 and require the minimum wage during each successive year to increase in proportion to the increase in the Consumer Price Index; and

- gradually increase the minimum wage for tipped employees so that they receive the same minimum wage as other employees by 2024.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "No Worker Shall Make Less Than the Minimum Wage Act of 2016."

Sec. 2. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001, *et seq*) (Act 9-394), as amended, is amended as follows:

(a) Section 4 (D.C. Official Code § 32-1003) is amended to read as follows:

"(a)(1) Except as provided in subsection (h) of this section, as of January 1, 2005, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be $6.60 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act (29 U.S.C. § 206 et seq.) ("Fair Labor Standards Act"), plus $1, whichever is greater.

(2) Except as provided in subsection (h) of this section, as of January 1, 2006, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be $7 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus $1, whichever is greater.

(3) Except as provided in subsection (h) of this section, as of July 1, 2014, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be $9.50 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus $1, whichever is greater.

(4) Except as provided in subsection (h) of this section, as of July 1, 2015, the minimum wage required to be paid to any employee by any employer in the District of

Columbia shall be $10.50 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus $1, whichever is greater.

(5) Except as provided in subsection (h) of this section, as of July 1, 2016, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be $11.50 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus $1, whichever is greater.

(6) Except as provided in subsection (h) of this section, as of July 1, 2017, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be $12.50 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus $1, whichever is greater.

(7) Except as provided in subsection (h) of this section, as of July 1, 2018, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be $13.75 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus $1, whichever is greater.

(8) Except as provided in subsection (h) of this section, as of July 1, 2019, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be $15.00 an hour, or the minimum wage set by the United States government pursuant to the Fair Labor Standards Act, plus $1, whichever is greater.

(9)(1) Except as provided in subsection (h) of this section, beginning on July 1, 2020 and no later than July 1 of each successive year, the minimum wage provided in this subsection shall be increased in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor

for the previous calendar year. Any increase under this paragraph shall be adjusted to the nearest multiple of $.05.

(2) The Mayor shall publish in the District of Columbia Register and make available to employers a bulletin announcing the adjusted minimum wage rate as provided in this paragraph. The bulletin shall be published at least 30 days prior to the annual minimum wage rate adjustment.

(b) A person shall be employed in the District of Columbia when:

(1) The person regularly spends more than 50% of their working time in the District of Columbia; or

(2) The person's employment is based in the District of Columbia and the person regularly spends a substantial amount of their working time in the District of Columbia and not more than 50% of their working time in any particular state.

(c) No employer shall employ any employee for a workweek that is longer than 40 hours, unless the employee receives compensation for employment in excess of 40 hours at a rate not less than 1 1/2 times the regular rate at which the employee is employed.

(d) All workers with disabilities shall be paid at a rate not less than the minimum wage, except in those instances where a certificate has been issued by the United States Department of Labor that authorizes the payment of less to workers with disabilities under § 214(c) of the Fair Labor Standards Act.

(e) No employer shall be deemed to have violated subsection (c) of this section if the employee works for a retail or service establishment and:

(1) The regular rate of pay of the employee is in excess of 1 1/2 times the minimum hourly rate applicable to the employee under this subchapter; and

(2) More than 1/2 of the employee's compensation for a representative period (not less than 1 month) represents commissions on goods or services.

(f)(1) As of January 1, 2005, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $2.77 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(2) As of July 1, 2017, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $4.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(3) As of July 1, 2018, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $6.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(4) As of July 1, 2019, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $8.75 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(5) As of July 1, 2020, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $10.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(6) As of July 1, 2021, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $12.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(7) As of July 1, 2022, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $13.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(8) As of July 1, 2023, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be $15.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

(9) As of July 1, 2024, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be the minimum wage as set by subsection (a) of this section.

(10) To the extent that the Mayor exercises his regulatory authority under § 32-1006 to allow employers to temporarily pay newly hired persons 18 years of age or older a wage lower than the minimum wage set by subsection (a) of this section, the wage an employer pays pursuant to such regulation or regulations to an employee who receives gratuities shall in no case be lower than the wage required to be paid to employees who do not receive gratuities under such regulation or regulations, and in no case lower than the minimum wage set by § 206(a)(1)(C) of the Fair Labor Standards Act or any successor provision. No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for the purpose of hiring individuals at the wage authorized by such regulations.

(g) Subsections (f)(1), (f)(2),(f)(3), (f)(4), (f)(5), (f)(6), (f)(7) and (f)(8) of this section shall not apply to an employee who receives gratuities unless:

(1) The employee has been informed by the employer of the provisions of subsection (f) of this section; and

(2) All gratuities received by the employee have been retained by the employee, except that this provision shall not be construed to prohibit the pooling of gratuities among employees who customarily receive gratuities.

(h) An employer shall pay a security officer working in a office building in the District of Columbia wages, or any combination of wages and benefits, that are not less than the combined amount of the minimum wage and fringe benefit rate for the guard 1 classification established by the United States Secretary of Labor pursuant to the Service Contract Act of 1965, approved October 22, 1965 (79 Stat. 1034; 41 U.S.C. § 351), as amended.

(i)(1) Subsections (a)(6), (a)(7), (a)(8), (f)(2), (f)(3), (f)(4), (f)(5), (f)(6), (f)(7), (f)(8), (f)(9) and (f)(10) of this section shall not apply to an "affiliated employee" as that term is defined at D.C. Official Code § 2-220.02(1).

(2) Nothing in this subsection (i) shall interfere with the operation of any provision of the Living Wage Act of 2006 (D.C. Law 16-118, D.C. Official Code § 2-220.01 *et seq.)* as amended."

(b) A new Section 17 (D.C. Official Code § 32-1016) is added to read as follows:

"Section 17. Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid, the declaration of invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are deemed severable."

Sec. 3. Nothing in this act shall be construed as preventing the Council of the District of Columbia from increasing minimum wages or benefits to levels in excess of those provided for in this act for any category of employees.

Sec. 4. Fiscal impact statement.

Sec. 5. Effective date.

This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-government and Government Reorganization Act (Home Rule Act), approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARINGS

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 08-13: First Church of Christ, Scientist
1770 Euclid Street NW
Square 2560, Lot 872
Affected Advisory Neighborhood Commission: 1C

Case No. 11-02: Real Estate Trust Company
1333-1343 H Street NW
Square 250, Lot 46
Affected Advisory Neighborhood Commission: 2C

Case No. 14-18: The Hawthorne School/Southeastern University
501 I Street SW
Square 498, Lot 52
Affected Advisory Neighborhood Commission: 6D

The hearing will take place at **9:00 a.m. on Thursday, October 2, 2014**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

At the same time and place, the Historic Preservation Review Board will also hold a public hearing to consider an application to designate the following property/properties a historic district in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property/properties to the National Register of Historic Places:

Case No. 14-12: George Washington/West End Historic District
Affected Advisory Neighborhood Commission: 1A

Including the following squares and parts of squares: all lots in Squares 78-S, 80, 101, 101-N, 102 and 103; most of Square 58 (Lots 5-8, 11 and 802-805); most of Square 77 (Lots 5, 60, 845 and 846); part of Square 78 (Lots 846 and 850); most of Square 79 (Lots 5, the eastern quarter of 64, and 65, 853, 854 and 861); part of Square 81 (Lots 59, 60, 74, 75, 78, 81, 811, 829 and 841); part of Square 104 (Lots 814 and 837); part of Square 121 (Lots 17 and 819); most of Square 122 (Lots 28, 824 and 825); and Reservations 28 and 29, also presently known by the following addresses: 514 19th Street NW; 532, 600, 700, 716, 720, 812, 814 and 820 20th Street NW; 600, 601, 602, 603, 604, 605, 606, 607, 609, 610, 619, 620, 701, 710, 714, 725, 730, 800, 805 and 825 21st Street NW; 515, 518, 520, 522, 524, 526, 603, 605, 607, 609, 611, 613, 615, 617, 619 and 621 22nd Street NW; 1900,

1916, 1918, 1922, 1925, 2000, 2021, 2025, 2031, 2033, 2035, 2037, 2101, 2109, 2111, 2113, 2115, 2121, 2123, 2135, 2140, 2142, 2144, 2145, 2146, 2147, 2148, 2150, 2152, 2154, 2156, 2200, 2206, 2208, 2210, 2212 and 2224 F Street NW; 1914, 1920, 2000, 2002, 2003, 2004, 2008, 2013, 2020, 2023, 2024, 2028, 2029, 2030, 2033, 2034, 2036, 2106, 2108, 2110, 2112, 2114, 2115, 2119, 2125, 2127, 2129, 2130, 2131, 2134, 2136, 2138, 2140 and 2142 G Street NW; 2000, 2003, 2013, 2021, 2029, 2033, 2036, 2100, 2119, 2121 and 2122 H Street NW; 2000 (2000-2042, even numbers; see also Pennsylvania Avenue), 2015, 2017, 2019, 2040, 2100 and 2124 I Street NW; and 2000 (see also I Street), 2019 and 2020 Pennsylvania Avenue NW.

In addition, the D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 14-13: The Ethelhurst
1025 15th Street NW
Square 216, Lot 26
Affected Advisory Neighborhood Commission: 2F

Case No. 14-16: Van View
7714 13th Street NW
Parcel 91, Lot 142
Affected Advisory Neighborhood Commission: 4A

This hearing will take place at **9:00 a.m. on Thursday, October 23, 2014** at the same place and according to the same rules as those above.

The Board's hearings are open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply.

Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

MAYOR'S AGENT
FOR THE HISTORIC LANDMARK AND HISTORIC DISTRICT PROTECTION ACT

NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing has been rescheduled at the request of the applicant and will be held at **1100 4th Street SW, Room 4302 (Fourth Floor)**.

Hearing Date:	**Monday, October 6, 2014, at 9:30 a.m.**
Case Number:	H.P.A. 14-393
Address:	2501 (2507) 1st Street NW
Square/Lot:	3128/800
Applicant:	Vision McMillan Partners LLC
Type of Work:	Raze

Affected Historic Property: McMillan Park Reservoir
Affected ANC: 5E

The Applicant's claim is that the issuance of the raze permit is necessary in the public interest to allow the construction of a project of special merit.

The hearing will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapters 4 and 30), which are on file with the D.C. Historic Preservation Office and posted on the Office website under "Regulations."

Interested persons or parties are invited to participate in and offer testimony at this hearing. Any person wishing to testify in support of or opposition to the application may appear at the hearing and give evidence without filing in advance. However, any affected person who wishes to be recognized as a party to the case is required to file a request with the Mayor's Agent at least ten working days prior to the hearing. This request shall include the following information: 1) his or her name and address; 2) whether he or she will appear as a proponent or opponent of the application; 3) if he or she will appear through legal counsel, and if so, the name and address of legal counsel; and 4) a written statement setting forth the manner in which he or she may be affected or aggrieved by action upon the application and the grounds upon which he or she supports or opposes the application. Any requests for party status should be sent to the Mayor's Agent at 1100 4th Street SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at (202) 442-8800.

MAYOR'S AGENT
FOR THE HISTORIC LANDMARK AND HISTORIC DISTRICT PROTECTION ACT

NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing will be held at the Office of Planning, 1100 4th Street SW, Suite E650.

Hearing Date:	**Wednesday, October 15, 2014 at 9:30 a.m.**
Case Number:	H.P.A. Nos. 14-460 and 14-461
Address:	911 and 913 L Street NW
Square/Lot:	Square 369, Lots 801 and 802
Applicant:	Square 369 Hotel Associates LLC
Type of Work:	Razes – Demolition of two, three-story brick houses

Affected Historic Property: Shaw Historic District
Affected ANC: 2F

The Applicant's claims are that the issuance of the raze applications would be consistent with the purposes of the preservation law and necessary in the public interest for the construction of a project of special merit.

The hearing will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapters 4 and 30), which are on file with the D.C. Historic Preservation Office and posted on the Office website under "Regulations."

Interested persons or parties are invited to participate in and offer testimony at this hearing. Any person wishing to testify in support of or opposition to the application may appear at the hearing and give evidence without filing in advance. However, any affected person who wishes to be recognized as a party to the case is required to file a request with the Mayor's Agent at least ten working days prior to the hearing. This request shall include the following information: 1) his or her name and address; 2) whether he or she will appear as a proponent or opponent of the application; 3) if he or she will appear through legal counsel, and if so, the name and address of legal counsel; and 4) a written statement setting forth the manner in which he or she may be affected or aggrieved by action upon the application and the grounds upon which he or she supports or opposes the application. Any requests for party status should be sent to the Mayor's Agent at 1100 4th Street SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at (202) 442-8800.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF PUBLIC HEARING

Small and Local Business Opportunity Commission

The Small and Local Business Opportunity Commission (SLBOC) will conduct a hearing in the matter of ROCK SOLID DISTRICT GROUP LLC, on August 21, 2014, at 11AM at 441 4th street NW, Washington, DC 20001, Suite 850N [Potomac Room].

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, OCTOBER 28, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD THREE

18839 ANC-3E — **Application of 47th Avenue LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, to allow the construction of a new four story mixed use building with 16 residential units plus cellar and ground floor retail in the C-2-A District at premises 4700 through 4704 Wisconsin Avenue, N.W. (Square 1733, Lots 800, 833 and 834).

WARD SIX

18841 ANC-6E — **Application of Robert J. Searle**, pursuant to 11 DCMR § 3103.2, for a variance from the nonconforming structure provisions under subsection 2001.3, and a variance from the court requirements under section 406, to allow the renovation and construction of a rear addition to an existing row dwelling in the R-4 District at premises 1522 8th Street, N.W. (Square 397, Lot 828).

WARD SEVEN

18842 ANC-7E — **Application of Government of the District of Columbia**, pursuant to 11 DCMR § 3104.1, for a special exception under subsection 2713.2(a), to allow the construction of a new 200 foot tall radio tower/monopole and associated equipment in the R-5-A District at premises 4650 Benning Road, S.E. (Fletcher Johnson School Site) (Square 5344, Lot 802).

WARD TWO

18844 ANC-2B — **Application of Alexander Pitt and Christine Qiang**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy (section 403), rear yard (section 404), court (section 406), and nonconforming structure (subsection 2001.3) requirements to allow a rear addition to a one-family row dwelling in the DC/R-5-B District at premises 2131 N Street, N.W. (Square 69, Lot 181).

WARD TWO

18845
ANC-2E

Application of Latham Owner SPE LLC, pursuant to 11 DCMR §§ 3104.1, and 3103.2, for variance relief from the rear yard (section 933), parking (subsection 2101.1), and loading (subsection 2201.1) requirements and special exception approval to locate 20 parking spaces in an off-site parking facility (subsection 2116.5) to permit the conversion of an existing hotel with accessory retail into a mixed-use residential and retail building in the C-2-A and W-1 Districts at premises 3000 M Street, N.W. (Square 1197, Lot 70).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form**. This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON, MARNIQUE Y. HEATH, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, October 30, 2014, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, NW, Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 05-36I (Toll DC II, LP - Modification of Previously-Approved PUD and Related Zoning Map Amendment @ Square 749)

THIS CASE IS OF INTEREST TO ANC 6C

On April 7, 2014, the Office of Zoning received an application from Toll DC II, LP to modify an approved planned unit development (PUD) for design modifications to Phase II only of the PUD, including consolidation of curb cuts, relocation of the entrance to the central courtyard, revisions to loading facilities, and parking at a ratio of .46 spaces per unit within Phase II (.53 spaces across PUD). An increase in gross floor area is also requested, from an approved 555,545 square feet to a proposed 559,678 square feet for Phase II. The Office of Planning provided its report to the Zoning Commission on June 2, 2014, recommending that the Commission schedule a public hearing on the application and requesting additional details. At its June 9, 2014, public meeting, the Zoning Commission set the application for public hearing.

The application regards modification of a PUD first approved by the Commission in 2006, pursuant to Z.C. Order No. 05-36, which has been extended and modified by subsequent Commission approvals. The property now included in the PUD occupies virtually the entirety of Square 749, with a total lot area of approximately 106,400 square feet. Square 749 is bounded by 2nd Street, N.E., L Street, N.E., 3rd Street, N.E., and K Street, N.E.

The PUD involves construction of a multi-phase apartment house development around an outdoor central plaza, with a total of approximately 778 dwelling units, ground floor retail and daycare uses across the three buildings. Of the total development, the first phase, which has been constructed, includes approximately 202 dwelling units and 3,700 square feet of retail uses. Phase II of the PUD, which has not yet been constructed, was approved for 500-525 dwelling units, approximately 14,000 square feet of retail uses and a 3,500 square foot daycare facility. The Commission granted approval, pursuant to Z.C. Order No. 05-36E for Phase II to be constructed in two sub-phases. Phase III, which as not yet been constructed, includes 41 dwelling units approved as a modification to the PUD pursuant to Z.C. Order No. 05-36G.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations 11 DCMR § 3022.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 05-36I
PAGE NO. 2

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: http://dcoz.dc.gov/services/app.shtm**. This form may also be obtained from the Office of Zoning at the address stated below.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

Time Limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1.	Applicant and parties in support	60 minutes collectively
2.	Parties in opposition	60 minutes collectively
3.	Organizations	5 minutes each
4.	Individuals	3 minutes each

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 05-36I
PAGE NO. 3

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311. ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

ZONINGCOMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, October 23, 2014, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-10 (Text Amendments to 11 DCMR (Zoning), Chapters 7 & 8)

THIS CASE IS OF INTEREST TO ALL ANCs

On June 20, 2014, the Office of Zoning received a request from the Office of Planning ("OP) requesting text amendments to Chapters 7 and 8 of the Zoning Regulations to clarify regulations pertaining to the proximity of animal related uses to residential areas. The OP Report served as the supplemental filing described in § 3013.1 At a public meeting on June 30, 2014, the Zoning Commission set down this case for a public hearing

The proposed amendments address two main issues of adjacency:

1) Adjacency of animal uses to off-site residential uses. A separation of twenty-five feet would be required between the animal use and property in a Residence District used for residential purposes; and

2) Residential uses within the same structure as the animal use, such as in a mixed-use residential and retail building. As part of the special exception review, the applicant would have to document that the animal use would cause no noise or odors unduly objectionable to residential uses within the same building. This is similar to other special exception performance standards for uses which are also intended to not result in objectionable conditions.

In response to comments made by the Commission during its deliberations, the Office of Planning also proposes to amend §§ 738.2 and 802.27(a) to remove the prohibition against the boarding of domesticated dogs at Veterinary Boarding Hospitals. Doing so will conform these provisions with the Zoning Regulations that govern animal boarding uses (§ 735) and veterinary boarding hospitals in the SEFC/CR Zone District § 1803.16, neither of which prohibit the boarding of domesticated dogs.

The following amendments to the Zoning Regulations are proposed. New text is shown in underline and **bold** type and struck text is shown in ~~strikethrough~~.

Title 11 DCMR (Zoning) amended as follows:

Chapter 7, Commercial Districts

1. Amend § 735 as shown below:

735 ANIMAL BOARDING

735.1 An animal boarding use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

735.2 ~~The animal boarding use shall not abut a Residence Zone.~~**No portion of the animal boarding use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes;**

735.3 The animal boarding use shall~~ take place entirely within an enclosed and soundproof building in such a way so as to~~ produce no noise or odor-objectionable to nearby properties**, including residential units located in the same building as the use**.

735.4 **The applicant shall demonstrate that the animal boarding use will comply with the following conditions and any Board's approval shall be subject to the use's continued compliance with these standards:**

(a) The animal boarding use shall take place entirely within an enclosed ~~and soundproof~~ building;

(b) The windows and doors of the ~~premises~~ **space devoted to the animal boarding use** shall be kept closed;

(c) ~~and~~ No animals shall be permitted in an external yard on the premises; *[(a), (b) and (c) originally in 735.3]*

(d) Animal waste **shall be placed** in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly; and

(e) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.

735.5 The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.

735.6 External yards or other exterior facilities for the keeping of animals shall not be permitted.

~~735.7 Notwithstanding §735.6, an animal boarding use existing on July 11, 2005, under a Certificate of Occupancy for a "Dog Care Center" or "Dog Day Care Center," may continue the use of an external yard for the keeping of dogs if approved by the Board of Zoning Adjustment pursuant to § 3104 and the requirements of this section.~~

~~(a) The yard shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, and/or waste.~~

~~(b) The applicant shall demonstrate that the external yard will be fenced off for the safe confinement of the animals.~~

~~(c) The applicant shall demonstrate that the external yard is located entirely on private property.~~

~~(d) The Board shall establish the hours in which animals may be kept in the yard, provided that no animals shall be permitted in the yard between the hours of 8:00 p.m. and 7:00 a.m.~~

2. Amend § 736 as shown below:

736 PET GROOMING ESTABLISHMENT

736.1 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

736.2 The pet grooming establishment shall **produce no noise or odor objectionable to nearby properties, including residential units located in the same building as the use.** ~~not be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste.~~

736.3 The **applicant shall demonstrate that the pet grooming establishment will comply with the following conditions and any Board's approval shall be subject to the use's continued compliance with these standards:**

(a) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;

(b) Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system; and *[(a) and (b) originally 735.4]*

(c) No animals shall be permitted in an external yard on the premises. *[(c) originally in 736.7]*

736.4 ~~The pet grooming establishment shall not abut an existing residential use or Residence District.~~ **No portion of a pet grooming establishment use shall be located within twenty-five (25 ft.) of a property in a Residence District used for residential purposes.**

~~736.5~~ ~~External yards or other external facilities for the keeping of animals shall not be permitted.~~

736.~~6~~**5** The sale of pet supplies is permitted as an accessory use.

736.~~7~~**6** The Board may impose additional requirements as it deems necessary to protect nearby properties.

3. Amend § 737 as shown below:

737 PET SHOP

737.1 A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

737.2 The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste, **including residential units located in the same building as the use**.

737.3 The ~~pet shop shall not abut an existing residential use or a Residence District.~~ **No portion of a pet shop use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes.**

737.**4** External yards or other external facilities for the keeping of animals shall not be permitted.

737.5 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

4. Amend § 738 as shown below:

738 VETERINARY BOARDING HOSPITAL

738.1 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

738.2 A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h) (1~~),~~ ~~except domesticated dogs~~.

738.3 No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.

738.4 The veterinary boarding hospital shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste**, including residential units located in the same building as the use**.

738.5 The~~ veterinary boarding hospital shall not abut an existing residential use or a Residence District.~~ **No portion of a veterinary boarding hospital use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes.**

738.6 External yards or other external facilities for the keeping of animals shall not be permitted.

738.7 Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.

738.8 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

5. Amend § 739 as shown below:

739 ANIMAL SHELTER

739.1 An animal shelter may be permitted as a special exception if approved by the Board of Zoning Adjustment under §3104, subject to the requirements of this section.

739.2 The animal shelter shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste, **including residential units located in the same building as the use**.

739.3 The **applicant shall demonstrate that the animal shelter use will comply with the following conditions and any Board's approval shall be subject to the use's continued compliance with these standards:**

(a) The animal shelter shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping; *[(a) originally 739.3]*

(b) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;

(c) Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system; and *[(b) and (c) originally 739.4]*

(d) External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of two hundred (200) feet from an existing residential use or Residence District. *[(d) originally 739.6]*

~~739.4 All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.~~

739.5**4** ~~The animal shelter shall not abut an existing residential use or a Residence District.~~ **No portion of the animal shelter use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes.**

~~739.6 External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of two hundred (200) feet from an existing residential use or Residence District.~~

739.~~7~~**5** The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Chapter 8, Industrial Districts

1. Amend § 801 as shown below:

801 USES AS A MATTER OF RIGHT (C-M)

801.7 The following additional uses shall be permitted as a matter of right in a C-M District, subject to the standards of external effects in § 804:

(a) An animal shelter shall be permitted as a matter of right subject to the following standards:

(i) The animal shelter shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;

(ii) Animal shelters shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;

(iii) ~~Animal shelters shall not abut an existing residential use or a Residence District;~~ **No portion of an animal shelter use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes;** and

(iv) Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:

(A) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 8:00 a.m.;

(B) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of the animals and the absorption of noise. Fencing and/or walls shall be a minimum of eight (8) feet in height and constructed of solid or opaque materials with maximal noise- absorbing characteristics;

(C) No more than three (3) animals shall be permitted within any exterior yard or outdoor run at a time; and

(D) No part shall be located within two hundred (200) feet of an existing residential use or Residence District.

2. Amend § 802 as shown below:

802.21 An animal boarding use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

802.22 The animal boarding use shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, or waste**, including residential units located in the same building as the use**.

802.23 The animal boarding use shall not abut a Residence District. No portion of the animal shelter use shall be located within twenty-five feet (25 ft.) of a Residence District used for residential purposes.

802.24 External yards or other exterior facilities for the keeping of animals shall not be permitted.

802.25 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

(a) The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;

(b) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;

(c) ~~The pet grooming establishment shall not abut an existing residential use or a Residence District~~ **No portion of the pet grooming establishment use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes.**

(d) External yards or other external facilities for the keeping of animals shall not be permitted;

(e) The sale of pet supplies is permitted as an accessory use; and

(f) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

802.26 A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection:

(a) The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;

(b) ~~The pet shop shall not abut an existing residential use or a Residence District~~ **No portion of the pet shop use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes;**

(c) External yards or other external facilities for the keeping of animals shall not be permitted; and

(d) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

802.27 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

(a) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code §8-1808 (h)(1), except domesticated dogs;

(b) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;

(c) The veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

(d) ~~The veterinary boarding hospital shall not abut an existing residential use or a Residence District~~ **No portion of the veterinary boarding hospital use shall be located within twenty-five feet (25 ft.) of a property in a Residence District used for residential purposes;**

(e) External yards or other external facilities for the keeping of animals shall not be permitted;

(f) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

(h) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1.	Organizations	5 minutes each
2.	Individuals	3 minutes each

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER PETER G. MAY, AND MICHAEL G. TURNBULL -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF FINAL RULEMAKING

Civil Infractions: Schedule of Fines Amendments

The Director of the District Department of the Environment (DDOE or Department), pursuant to the authority set forth in the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)); the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq*. (2013 Repl.)); the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101 *et seq*. (2013 Repl.)); the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code §§ 8-401 *et seq.* (2013 Repl. & 2014 Supp.)); the Brownfields Revitalization Amendment Act of 2010, effective April 8, 2011 (D.C. Law 18-369; D.C. Official Code §§ 8-631 *et seq*. (2013 Repl.)); the District of Columbia Underground Storage Tank Management Act of 1990, effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code §§ 8-113.01 *et seq*. (2013 Repl.)); the Childhood Lead Screening Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-265; D.C. Official Code § 7-871.03 (2012 Repl. & 2013 Supp.)); the Transfer of Lead Poison Prevention Program to the District Department of the Environment Amendment Act of 2008, effective August 18, 2008 (D.C. Law 17-219; D.C. Official Code § 8-151.03(b)(1)(B)(ii)(II)) (2013 Repl.)); the Lead-Hazard Prevention and Elimination Act of 2008, effective March 31, 2009 (D.C. Law 17-381; D.C. Official Code §§ 8-231.01 *et seq.* (2013 Repl.)); the Lead Hazard Prevention and Elimination Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-348; D.C. Official Code §§ 8-231.01 *et seq.* (2013 Repl.)); the District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978 (D.C. Law 2-64; D.C. Official Code §§ 8-1301 *et seq.* (2013 Repl.)); the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2013 Repl.)); Mayor's Order 2006-61, Section 7 and 29, dated June 14, 2006; and Mayor's Order 2009-113, dated June 18, 2009, hereby gives notice of the intent to amend Chapter 36 (Department of Health (DOH) Infractions) and create a new Chapter 40 (Department of Environment) of Title 16 (Consumers, Commercial Practices, & Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking is a comprehensive revision to the DDOE Schedule of Fines that will apply to violations in eight (8) separate programs administered by the Department. Specifically, these amendments repeal, replace, and reserve sections as follows:

1. Repeal § 3637 and replace with a new § 4001, Air Quality Infractions;
2. Repeal § 3650 and replace with a new § 4002, Pesticide Infractions;
3. Repeal § 3662 and replace with a new § 4003, Lead-Based Paint Activities Infractions;
4. Reserve §§ 4004 to 4006 for future use;
5. Repeal § 3652 and replace with a new § 4007, Hazardous Waste Infractions;
6. Repeal § 3651 and replace with a new § 4008, Underground Storage Tank Infractions;
7. Repeal § 3644 and replace with a new § 4009, Water Quality Infractions;

8. Repeal § 3646 and replace with a new § 4010, Soil Erosion and Sediment Control and Stormwater Management Infractions;
9. Reserve §§ 4011 to 4014 for future use; and
10. Repeal § 3645 and replace with a new § 4015, Aquatic Animal Protection and Fishing Infractions.

The rules were previously published as a Notice of Proposed Rulemaking on March 14, 2014, at 61 DCR 2131 and provided an extensive summary of the amendments. The thirty- (30) day comment period ended on April 14, 2014. No comments on the proposed rules were received during the public comment period, and no substantive changes have been made since publication of the notice.

Pursuant to § 104(a)(1) of the Civil Infractions Act, the rules have been submitted to the Council of the District of Columbia for review and approval, and the rules were deemed approved on July 18, 2014. These rules were adopted as final on August 15, 2014 and will become effective upon publication of this notice in the *D.C. Register*.

Title 16, CONSUMERS, COMMERCIAL PRACTICES, & CIVIL INFRACTIONS, of the DCMR is amended as follows:

A new Chapter 40, DEPARTMENT OF ENVIRONMENT, is established.

Section 3637, AIR QUALITY INFRACTIONS, is repealed and replaced with a new Section 4001, AIR QUALITY INFRACTIONS, to read as follows:

4001 AIR QUALITY INFRACTIONS

4001.1 In addition to §§ 4001.2, 4001.3, and 4001.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 8-111.08 (continuing work stopped by a Department order);

(b) 20 DCMR § 107.1 (failure to have operative or effective air pollution control device or practice);

(c) 20 DCMR § 107.4 (installation or use of any article, machine, equipment, device or contrivance which conceals an air pollution emission);

(d) 20 DCMR § 200.1 (failure to obtain air pollution construction or modification permit);

(e) 20 DCMR § 200.2 (failure to obtain air pollution operating permit);

(f) 20 DCMR § 200.3 (failure to comply with the requirements of 20 DCMR Chapter 2 during approved temporary operation of a source);

(g) 20 DCMR § 204.4 (failure of new major stationary source or major modification in a nonattainment area to comply with lowest achievable emission rate);

(h) 20 DCMR § 204.5 (failure to obtain permit that incorporates requirements specified in 20 DCMR §§ 204.18 and 204.19 prior to construction of a new major stationary source or major modification in a nonattainment area);

(i) 20 DCMR § 205.1 (failure to comply with New Source Performance Standards in 40 C.F.R. Part 60);

(j) 20 DCMR § 208.4 (failure of source operating under PAL permit to comply with applicable requirements established prior to effective date of permit);

(k) 20 DCMR § 208.15 (failure to comply with emission limitation requirements following expiration of PAL effective period);

(l) 20 DCMR § 209.3 (failure to meet requirements for operating emission control technologies or pollution prevention methodologies for non-major stationary sources);

(m) 20 DCMR § 303.2 (operating without a permit after the time required to submit a timely and complete permit application);

(n) 20 DCMR § 303.3(b) (operating after expiration of permit);

(o) 20 DCMR § 401.7 (failure to timely prepare an emergency episode abatement plan);

(p) 20 DCMR § 401.10 (failure to comply immediately with abatement order or notice);

(q) 20 DCMR § 500.9 (failure to submit statement of NOx and VOC emissions);

(r) 20 DCMR § 501.1 (failure to install/maintain/operate monitoring devices);

(s) 20 DCMR § 501.2 (failure to conduct ambient monitoring);

(t) 20 DCMR § 501.3 (failure to comply with ambient monitoring requirements);

(u) 20 DCMR § 502.10 (failure to comply with specification(s) for monitoring and recording equipment or with provisions for installation, calibration, operation, and maintenance of equipment);

(v) 20 DCMR § 600.1 (failure to comply with PM standard for fuel-burning equipment);

(w) 20 DCMR §§ 602.1, 602.2, 602.3, 602.4, 602.5, or 602.6 (failure to comply with incinerator operating standards);

(x) 20 DCMR § 603.1 (failure to comply with PM emission limits);

(y) 20 DCMR § 603.3 (adding diluted air to the exhaust gas stream to avoid compliance with 20 DCMR §§ 603.1 through 603.2); or

(z) 20 DCMR § 711.1 (failure to have mechanical seals or approved equivalent for pumps and compressors).

4001.2 In addition to §§ 4001.1, 4001.3 and 4001.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 712.1 (failure to comply with limitations on waste gas emission from ethylene producing plant or source using ethylene);

(b) 20 DCMR § 713.1 (failure to meet requirements for emission of hydrocarbon gases from vapor blow-down system);

(c) 20 DCMR § 715.2 (failure to apply major source and case-by-case RACT as required);

(d) 20 DCMR § 720.1 (selling, supplying, offering for sale, or manufacturing consumer products that exceed VOC limits);

(e) 20 DCMR § 724.1 (selling, supplying, offering for sale, or manufacturing consumer products containing specified ozone depleting compounds);

(f) 20 DCMR § 725.2 (selling, supplying, offering for sale, using, or manufacturing aerosol adhesive that contains VOCs in excess of standards specified in 20 DCMR § 720.1);

(g) 20 DCMR § 725.5 (selling, supplying, offering for sale, or manufacturing any aerosol adhesive containing methylene chloride, perchloroethylene, or trichloroethylene);

(h) 20 DCMR § 726.1 (selling, supplying, offering for sale, or manufacturing antiperspirant or deodorant containing toxic air contaminant);

(i) 20 DCMR § 727.1 (selling, supplying, offering for sale, or manufacturing any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser containing methylene chloride, perchloroethylene, or trichloroethylene);

(j) 20 DCMR § 728.1 (selling, supplying, offering for sale, or manufacturing any adhesive remover, electrical cleaner, or graffiti remover containing methylene chloride, perchloroethylene, or trichloroethylene);

(k) 20 DCMR § 729.1 (selling, supplying, offering for sale, or manufacturing any solid air freshener or toilet/urinal care products containing para-dichlorobenzene);

(l) 20 DCMR § 730.1 (failure to comply with requirements for selling, supplying, or offering for sale any charcoal lighter material);

(m) 20 DCMR § 735.9 (failure to comply with ACP agreement);

(n) 20 DCMR § 735.12 (failure to calculate and reconcile ACP shortfalls);

(o) 20 DCMR § 735.20(a) (failure to reconcile ACP shortfalls following cancellation of ACP);

(p) 20 DCMR § 744.1 (selling, supplying, offering for sale, or manufacturing any adhesive, sealant, adhesive primer, or sealant primer that exceeds VOC content limits);

(q) 20 DCMR § 744.2 (using or applying any adhesive, sealant, adhesive primer, or sealant primer that exceeds VOC content limits);

(r) 20 DCMR § 744.4 (failure to comply with requirements for use of surface preparation or cleanup solvents);

(s) 20 DCMR § 744.7 (soliciting, specifying, or requiring use of adhesive, sealant, adhesive primer, sealant primer, or surface preparation or cleanup solvent that results in violation of 20 DCMR Chapter 7);

(t) 20 DCMR § 770.5 (failure to comply with requirements for use of industrial cleaning solvents);

(u) 20 DCMR § 774.1 (manufacturing, blending, supplying, selling, offering for sale, applying, or soliciting application of an AIM coating that exceeds specified VOC content);

(v) 20 DCMR § 774.5 (applying AIM coating that is thinned to exceed VOC limit);

(w) 20 DCMR § 774.6 (applying or soliciting application of AIM rust preventative coating that exceeds VOC limit);

(x) 20 DCMR § 800.1 (failure to comply with federal asbestos requirements for demolition and renovation, spray-on applications, waste disposal, air cleaning, and active waste disposal sites as provided in 40 C.F.R. §§ 61.145, 61.146, 61.150, 61.152, and 61.154);

(y) D.C. Official Code § 8-111.04 or 20 DCMR § 800.1(b)-(c) (failure to obtain asbestos abatement permit or license); or

(z) 20 DCMR § 800.3 (failure to comply with requirements for obtaining an asbestos abatement permit or license).

4001.3 In addition to §§ 4001.1, 4001.2 and 4001.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 800.5 (failure to comply with requirements for applying for or renewing an asbestos abatement permit or license);

(b) 20 DCMR § 800.6(a), (b), (c), (d), (e), or (f) (failure to comply with requirements for providing asbestos worker protection);

(c) 20 DCMR § 800.7(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), or (l) (failure to implement asbestos abatement control measures);

(d) 20 DCMR § 801.1 (purchasing, selling, offering for sale, storing, transporting, or using fuel oil which contains more than one percent (1%) sulfur);

(e) 20 DCMR § 802.1 (purchasing, selling, offering for sale, storing, transporting, or using coal which contains more than one percent (1%) sulfur);

(f) 20 DCMR § 803.1 (failure to comply with sulfur emission limit);

(g) 20 DCMR § 803.3 (adding diluted air to the exhaust gas stream to avoid compliance with sulfur emission limit);

(h) 20 DCMR § 804.1 (failure to comply with NOx standard for fuel burning equipment);

(i) 20 DCMR § 805.4(a) (failure to comply with combustion turbine emission standards);

(j) 20 DCMR § 805.4(d) (failure to maintain continuous compliance with combustion turbine emission standards as demonstrated by testing or continuous emission monitoring system);

(k) 20 DCMR § 805.5(b) or (c) (failure to comply with NOx emission rates for fossil-fuel-fired steam-generating units);

(l) 20 DCMR § 805.5(e) (failure to maintain continuous compliance with NOx emission rates for fossil-fuel-fired steam-generating units as demonstrated by testing or continuous emission monitoring system);

(m) 20 DCMR § 805.6(a) or (b) (failure to comply with NOx emission rates for asphalt concrete plants);

(n) 20 DCMR § 805.6(d) (failure to maintain continuous compliance with NOx emission rates for asphalt concrete plants as demonstrated by testing or continuous emission monitoring system);

(o) 20 DCMR § 805.7(a) (emissions in excess of an emission rate achievable through the implementation of RACT as demonstrated in an emission control plan);

(p) 20 DCMR § 805.7(b) (failure to reduce emissions as required by RACT emission control plan);

(q) 20 DCMR § 805.7(d) (failure to install and operate a CEM); or

(r) 20 DCMR § 805.8 (failure to comply with requirements for adjusting combustion process).

4001.4 In addition to §§ 4001.1, 4001.2, and 4001.3, violation of any of the following provisions shall be a Class 1 infraction:

(a) [Reserved]

4001.5 In addition to §§ 4001.6, 4001.7, 4001.8 and 4001.9, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 107.2 (failure to provide required notice of air pollution control equipment shutdown);

(b) 20 DCMR § 107.3 (failure to comply with an air pollution control notice concerning operation during a period of maintenance or repair);

(c) 20 DCMR § 202.2 (failure to observe permit terms or conditions or submission of false statement of fact);

(d) 20 DCMR § 208.24 (failure to use a PAL monitoring system that meets specified requirements);

(e) 20 DCMR § 208.35 (failure to submit required semiannual PAL monitoring reports or prompt deviation reports);

(f) 20 DCMR § 301.1 (failure to submit a timely and complete permit application or renewal);

(g) 20 DCMR § 302.9 (failure to keep records or notify of changes in operations or emissions);

(h) 20 DCMR § 302.2 (failure to comply with terms and conditions of permit issued under 20 DCMR Chapter 3);

(i) 20 DCMR § 303.8 (failure to follow procedures for applying for termination of permit);

(j) 20 DCMR § 500.1 (failure to file written reports);

(k) 20 DCMR § 500.2 (failure to maintain/provide records regarding emissions);

(l) 20 DCMR § 502.1 (failure to conduct air pollutant emission tests);

(m) 20 DCMR § 502.2 (failure to provide sampling facility/fuel sample);

(n) 20 DCMR § 502.5 (failure to properly undertake NO_x, SO_2, or PM emissions tests);

(o) 20 DCMR § 502.6 (failure to properly undertake tests for sulfur content of fuels);

(p) 20 DCMR § 502.14 (failure to properly undertake tests of sources of hazardous air pollutants);

(q) 20 DCMR § 502.16 (failure to properly perform tests of gasoline and gasoline-oxygenate blends);

(r) 20 DCMR § 502.17 (failure to properly perform tests for emissions of volatile organic compounds);

(s) 20 DCMR § 600.2 (failure to properly test for PM emissions from fuel burning equipment);

(t) 20 DCMR § 600.3 (failure to properly test for PM emissions from fuel burning equipment equipped for the blowing of soot);

(u) 20 DCMR § 600.4 (specially tuning or optimizing fuel burning equipment before performance testing);

(v) 20 DCMR § 600.6 (failure to use method in 40 C.F.R. § 60.45(f)(5) when calculating performance test results for fuel burning equipment);

(w) 20 DCMR § 600.7 (blowing of soot from solid fuel burning equipment between 4:00 p.m. and 10:00 a.m.);

(x) 20 DCMR § 601.1 (selling/installing/using rotary cup burner);

(y) 20 DCMR § 601.2 (selling/using fuel oil in rotary cup burner); or

(z) 20 DCMR § 605.1 (failure to minimize fugitive dust).

4001.6 In addition to §§ 4001.5, 4001.7, 4001.8 and 4001.9, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 605.2 (emission of fugitive dust from other specified activities);

(b) 20 DCMR § 606.1 (visible emission from stationary source);

(c) 20 DCMR § 606.2 (visible emission from fuel-burning equipment placed in initial operation before January 1, 1977);

(d) 20 DCMR § 606.3(a), (b), (c), or (d) (failure to comply with requirements for an exception to 20 DCMR § 606.1);

(e) 20 DCMR § 606.4 (failure to maintain/operate equipment as required);

(f) 20 DCMR § 606.6 (failure to adequately train/supervise personnel);

(g) 20 DCMR § 700.2 (failure to comply with VOC emissions limits);

(h) 20 DCMR §§ 701.1, 701.4, 701.5, 701.6, 701.7, 701.8, 701.9, 701.10, 701.11, 701.13 (failure to comply with requirements for storage of petroleum liquid);

(i) 20 DCMR §§ 703.1, 703.2, 703.3, 703.4, 703.5, 703.6, or 703.7 (failure to comply with requirements for maintaining/operating terminal vapor recovery system);

(j) 20 DCMR § 704.1 (failure to transfer volatile organic compounds or gasoline from delivery vessel to stationary source container as prescribed);

(k) 20 DCMR § 704.2 (Stage I vapor recovery system does not include a return line or condensation system);

(l) 20 DCMR § 704.3 (vapor-tight return system is not properly constructed);

(m) 20 DCMR § 704.4(a) (delivery vessel not refilled at facility with ninety percent (90%) vapor recovery system);

(n) 20 DCMR § 704.4(b) (failure to conduct annual delivery vessel leak test);

(o) 20 DCMR § 704.4(d) (failure to remove failed delivery vessel from service);

(p) 20 DCMR § 705.1 (failure to use prescribed equipment to transfer gasoline to any vehicular fuel tank from any stationary storage container);

(q) 20 DCMR § 708.2 (failure to comply with emission limits for non-photochemically reactive solvents);

(r) 20 DCMR § 709.1 (manufacturing, mixing, storing, using, or applying cutback asphalt between April 1st and September 30th);

(s) 20 DCMR § 710.1 (failure to operate in compliance with requirements for intaglio, flexographic, or rotogravure printing);

(t) 20 DCMR § 710.4 (failure to comply with VOC limits for inks, wiping solutions, and fountain solutions for intaglio, flexographic, or rotogravure printing);

(u) 20 DCMR § 710.10 (failure to minimize ink usage in intaglio printing);

(v) 20 DCMR § 710.12 (failure to minimize and restrict openings of containers that hold or convey VOC-containing materials in connection with intaglio, flexographic, or rotogravure printing);

(w) 20 DCMR § 710.13 (failure to prevent leaking from printing unit/equipment in connection with intaglio, flexographic, or rotogravure printing);

(x) 20 DCMR § 710.14 (failure to properly store or dispose of any solvent-containing material in connection with intaglio, flexographic, or rotogravure printing);

(y) 20 DCMR § 710.15 (failure to minimize use of VOC-containing material in operation of intaglio, flexographic, or rotogravure printing units/equipment); or

(z) 20 DCMR § 714.1 (failure to comply with VOC emission limit for units within a specified Control Techniques Guidelines category).

4001.7 In addition to §§ 4001.5, 4001.6, 4001.8 and 4001.9, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 714.7 (failure of facility subject to 20 DCMR § 714.1(a) to comply with requirements for storage, spills, conveyance, closing of containers, or cleaning of VOC-containing materials);

(b) 20 DCMR § 714.8 (failure of a facility subject to 20 DCMR § 714.1 to maintain required emissions and compliance records);

(c) 20 DCMR § 716.1 (failure to operate in compliance with requirements for offset lithography or letterpress printing operations);

(d) 20 DCMR § 716.5 (failure to comply with VOC limits for fountain solution used in offset lithography printing operations before January 1, 2012);

(e) 20 DCMR § 716.6 (failure to comply with VOC limits for fountain solution used in offset lithography printing operations after January 1, 2012);

(f) 20 DCMR § 716.8 (failure to comply with VOC limits for cleaning solutions used in offset lithography and letterpress printing operations);

(g) 20 DCMR § 716.9 (failure to keep cleaning solutions and towels in closed containers in conjunction with offset lithography or letterpress printing operations);

(h) 20 DCMR § 716.16 (using dryers or inks without reducing VOC emissions as specified in conjunction with specified heatset web offset lithography or heatset letterpress printing operations);

(i) 20 DCMR § 716.17 (adding diluent air to exhaust gas stream to comply with 20 DCMR § 716.16);

(j) 20 DCMR § 716.20 (failure to install, calibrate, maintain, and operate temperature monitoring device for specified lithography or letterpress printing operations);

(k) 20 DCMR § 716.21 (failure to comply with requirements relating to openings of containers of VOC-containing materials in conjunction with offset lithography or letterpress printing operations);

(l) 20 DCMR § 716.22 (failure to comply with requirements relating to leakage of VOC-containing materials in conjunction with offset lithography or letterpress printing operations);

(m) 20 DCMR § 716.23 (failure to comply with requirements relating to storage or disposal of VOC-containing materials in conjunction with offset lithography or letterpress printing operations);

(n) 20 DCMR § 716.24 (failure to minimize use of VOC-containing material in operation of offset lithography or letterpress printing units/equipment);

(o) 20 DCMR § 716.25 (failure of offset lithography or letterpress printing operation to maintain required emissions and compliance records);

(p) 20 DCMR §§ 717.1, 717.2, or 717.3 (failure to comply with operating and emissions control requirements of groundwater remediation systems);

(q) 20 DCMR § 718.3 (application of mobile equipment repair and refinishing coatings exceeding VOC limits);

(r) 20 DCMR § 718.5 (failure to use a proper application technique for mobile equipment repair and refinishing coatings);

(s) 20 DCMR § 727.3 (failure to provide written notice of sell-through period for contact adhesives, electronic cleaners, footwear or leather care products, or general purpose degreasers containing methylene chloride, perchloroethylene, or trichloroethylene);

(t) 20 DCMR § 728.3 (failure to provide written notice of sell-through period for adhesive removers, electrical cleaners, or graffiti removers containing methylene chloride, perchloroethylene, or trichloroethylene);

(u) 20 DCMR § 729.3 (failure to provide written notice of sell-through period for solid air fresheners or toilet/urinal care products that contain para-dichlorobenzene);

(v) 20 DCMR §§ 733.1, 733.2, 733.3, or 733.5 (failure to report information on consumer products);

(w) 20 DCMR § 734 (failure to comply with testing methods or maintain accurate records for consumer products);

(x) 20 DCMR § 744.6 (failure of any person using adhesives, sealants, adhesive primers, sealant primers, or surface preparation or cleanup solvents to comply with requirements for storage and disposal, spills, conveyance, closing of containers, or cleaning of equipment);

(y) 20 DCMR § 745.5 (failure to maintain monthly operational records demonstrating exemption from requirements for adhesives, sealants, adhesive primers, sealant primers, cleanup solvents, or surface preparation solvents); or

(z) 20 DCMR §§ 746.1, 746.2, 746.3, or 746.4 (failure to maintain records of compliance with regulations relating to adhesives and sealants).

4001.8 In addition to §§ 4001.5, 4001.6, 4001.7 and 4001.9, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 747 (failure to comply with test methods and compliance procedures for adhesives and sealants);

(b) 20 DCMR § 749 (failure to use proper methods for applying adhesives and sealants);

(c) 20 DCMR § 752.1 (selling, offering for sale, advertising, manufacturing, introducing, delivering, or importing portable fuel containers and spouts not certified through CARB or covered by a CARB Executive Order);

(d) 20 DCMR § 755 (failure to follow portable fuel container and spout testing procedures);

(e) 20 DCMR § 770.8 (failure to provide written information to purchaser of solvents for use in solvent cleaning operation);

(f) 20 DCMR § 770.10 (failure to maintain records on applicability of and compliance with requirements for industrial cleaning solvents);

(g) 20 DCMR § 771.3 (failure to comply with requirements for storage, spills, conveyance, closing of vessels, minimizing emissions, or cleaning of VOC-containing materials in connection with operations and processes subject to 20 DCMR § 771.1);

(h) 20 DCMR § 771.4 (failure to maintain records in connection with operations and processes subject to 20 DCMR § 771.1);

(i) 20 DCMR § 778 (failure to comply with testing methods for AIM products);

(j) 20 DCMR § 800.4(b) (failure to properly notify of resilient floor covering removals);

(k) 20 DCMR § 805.3(a), (c), (d), (e), and (f) (failure to timely submit and receive approval for an emission control plan prior to implementation of NOx RACT);

(l) 20 DCMR § 805.7(e) (failure to maintain and make available daily records demonstrating compliance with NOx emission rates);

(m) 20 DCMR § 805.7(f) (failure to perform tests that demonstrate NOx compliance); or

(n) D.C. Official Code § 8-111.11 (failure to maintain and make available asbestos abatement records).

4001.9 In addition to §§ 4001.5, 4001.6, 4001.7, and 4001.8, violation of any of the following provisions shall be a Class 2 infraction:

(a) [Reserved]

4001.10 In addition to § 4001.11, violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 200.6(g) (failure to maintain and make available upon request individual response document regarding source category permit application);

(b) 20 DCMR §§ 200.7 or 200.8 (failure to submit permit applications on the correct forms or to supply necessary data and information);

(c) 20 DCMR § 204.17 (failure of a project not considered a major modification to maintain, make available, and submit with permit application required information);

(d) 20 DCMR §§ 208.17 or 208.18 (failure to submit a timely and complete application to request renewal of a PAL);

(e) 20 DCMR § 301.2 (failure to promptly submit supplementary, corrected, or additional information in connection with permit application);

(f) 20 DCMR § 301.3 (failure to submit a timely and complete permit application on the prescribed forms or to include all necessary and required information);

(g) 20 DCMR § 502.4 (failure to submit test reports as required);

(h) 20 DCMR § 730.5 (failure to submit written application with required information for certification of charcoal lighter material formulation);

(i) 20 DCMR § 735.8 (failure to maintain and make available ACP records);

(j) 20 DCMR §§ 764.2, 764.3, 764.4, 764.5, 764.6, or 764.7 (failure to comply with requirements for cold cleaning machines);

(k) 20 DCMR §§ 765.2, 765.3, 765.4, or 765.5 (failure to comply with requirements for batch vapor cleaning machines);

(l) 20 DCMR §§ 766.2, 766.3, or 766.4 (failure to comply with requirements for in-line vapor cleaning machines);

(m) 20 DCMR §§ 767.2, 767.3, 767.4, 767.5, 767.6, 767.7, or 767.8 (failure to comply with requirements for airless and airtight cleaning machines);

(n) 20 DCMR §§ 768.2, 768.3, 768.4, 768.5, 768.6, 768.7, or 768.8 (failure to meet alternative compliance requirements for solvent cleaning machines);

(o) 20 DCMR §§ 777 (failure to properly submit AIM coating reports);

(p) 20 DCMR § 800.9 (failure to timely notify building occupants of impending asbestos abatement);

(q) 20 DCMR § 805.3(b) (failure to submit notification of compliance with 20 DCMR § 805.8);

(r) 20 DCMR § 805.4(b)(1) (failure to maintain in a logbook dates and hours of combustion turbine operation);

(s) 20 DCMR § 900.1 (idling engine for more than three (3) minutes); or

(t) 20 DCMR § 903.1 (emitting odorous or other air pollutant).

4001.11 In addition to § 4001.10, violation of any of the following provisions shall be a Class 3 infraction:

(a) [Reserved]

4001.12 In addition to § 4001.13, violation of any of the following provisions shall be a Class 4 infraction:

(a) 20 DCMR § 604.1 (open burning);

(b) 20 DCMR § 704.4(e) (failure to post leak test certificate on tank truck);

(c) 20 DCMR § 704.4(f) (loading/unloading tank truck with no certificate);

(d) 20 DCMR § 704.6 (operating or maintaining delivery system/vessels or vapor collection/recovery system with a vapor or liquid leakage or spillage);

(e) 20 DCMR § 705.6 (failure to comply with requirements for a vapor balance system);

(f) 20 DCMR § 705.7 (failure to maintain/operate balance system);

(g) 20 DCMR § 705.8 (refueling with nozzle not designed to automatically shutoff when tank is full);

(h) 20 DCMR § 705.10 (failure to maintain/operate Stage II vapor recovery system);

(i) 20 DCMR § 705.12 (failure to post operating instructions/warnings for Stage II vapor recovery system);

(j) 20 DCMR § 705.13 (failure to install/operate vapor control systems/components per required standards);

(k) 20 DCMR §§ 706.1, 706.2, 706.3, 706.4, 706.5, 706.7, 706.8, 706.9, 706.10, 706.11, or 706.13 (failure to comply with VOC emission requirements for petroleum dry cleaners);

(l) 20 DCMR § 718.4 (failure to provide documentation of VOC content of mobile equipment repair and refinishing coatings);

(m) 20 DCMR § 718.8 (failure to comply with housekeeping, pollution prevention, and training measures in connection with mobile equipment repair and refinishing coatings);

(n) 20 DCMR § 730.7 (failure to timely notify regarding change in charcoal lighter material);

(o) 20 DCMR § 731.1 (failure to properly label floor wax strippers);

(p) 20 DCMR § 732 (failure to comply with requirements for labeling consumer products);

(q) 20 DCMR § 735.2 (failure to submit ACP agreement);

(r) 20 DCMR § 735.4 (failure to properly submit ACP application);

(s) 20 DCMR § 735.10 (failure to comply with requirements for use of surplus reductions);

(t) 20 DCMR § 735.11 (failure to comply with requirements for limited-use surplus reduction credits for early reformulations of ACP products);

(u) 20 DCMR § 736.1 (failure to submit CARB Innovative Product exemption for consumer products);

(v) 20 DCMR § 748 (failure to properly label adhesives, sealants, adhesive primers, or sealant primers);

(w) 20 DCMR § 757 (failure to submit required information, applications, or notifications related to Innovation Product exemption for portable fuel containers and spouts);

(x) 20 DCMR § 758.2 (failure to submit copy of CARB variance decision for portable fuel containers and spouts);

(y) 20 DCMR § 769 (failure to conduct record keeping, testing, and monitoring for solvent cleaning operations as required); or

(z) 20 DCMR § 774.4 (failure to close AIM container when not in use).

4001.13 In addition to § 4001.12, violation of the following provision shall be a Class 4 infraction:

(a) 20 DCMR § 776 (failure to properly label AIM coatings); or

(b) 20 DCMR § 901.1 (visible emission for more than ten (10) seconds from vehicle).

4001.14 Violation of any of the following provisions shall be a Class 5 infraction:

(a) 20 DCMR § 718.7 (failure to properly clean spray gun for applying mobile equipment repair and refinishing coatings);

(b) 20 DCMR § 735.13 (failure to submit required notification of change in ACP product);

(c) 20 DCMR § 735.14 (failure to submit required information and obtain pre-approval of modifications to the enforceable sales record or reconciliation of shortfalls plan specified in ACP Agreement);

(d) 20 DCMR § 735.15 (failure to timely submit written notice of new information that may alter ACP submission);

(e) 20 DCMR § 735.23 (failure to timely submit required notification of ACP transfers and provide required written declaration); or

(f) 20 DCMR § 754 (failure to comply with labeling requirements for portable fuel containers and spouts).

4001.15 Violation of any provision of the Air Quality Regulations, 20 DCMR Chapters 1 through 20, which provision or rule is not cited elsewhere in this section, shall be a Class 4 infraction.

Section 3650, TOXIC SUBSTANCES DIVISION (PESTICIDE PROGRAM) INFRACTIONS, is repealed and replaced with a new Section 4002, PESTICIDE INFRACTIONS, to read as follows:

4002 PESTICIDE INFRACTIONS

4002.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 2200.1 (manufacture, sale, shipment, use, or application of a pesticide not registered with the United States Environmental Protection Agency (EPA); use of a pesticide in manner not specified or approved by EPA);

(b) 20 DCMR § 2204.1 (administering a pesticide by a person who is neither licensed nor a registered employee acting under the supervision of a licensed applicator);

(c) 20 DCMR § 2207.3 (falsifying, refusing, or neglecting to maintain or make available required records);

(d) 20 DCMR § 2207.9 (making a false or fraudulent record, invoice, or report);

(e) 20 DCMR § 2207.10 (aiding, abetting, or conspiring to evade pesticide laws or regulations);

(f) 20 DCMR § 2207.11 (making a fraudulent or misleading statement during or after an inspection of a pest infestation);

(g) 20 DCMR § 2207.12 (impersonating a federal, state, or District inspector or official);

(h) 20 DCMR § 2207.13 (distributing an adulterated pesticide);

(i) 20 DCMR § 2210.5 (failure to apply a pesticide in a manner to prevent harmful effects to the environment);

(j) 20 DCMR § 2210.8 (performing an inspection for wood-destroying organisms by a pesticide operator who is not licensed in the "Wood Destroying Organisms" subcategory as described in 20 DCMR § 2301.1(d)(2));

(k) 20 DCMR § 2211.1 (disposing, storing, or discarding a pesticide container or rinsate in a manner that causes or may cause injury to humans, vegetation, crops, livestock, wildlife, or pollinating insects, or that pollutes any waterway or waterway supply);

(l) 20 DCMR § 2211.3 (handling, transporting, storing, displaying, or distributing a pesticide in a manner that endangers humans, the environment, food, feed, or any product);

(m) 20 DCMR § 2215.1 (performing fumigation without being a licensed applicator certified to perform fumigation or without supervision by a licensed applicator certified to perform fumigation);

(n) 20 DCMR § 2215.2 (failure to train and provide safety equipment to each member of fumigation crew);

(o) 20 DCMR § 2215.3 (failure to notify the nearest fire station and the Director prior to fumigation);

(p) 20 DCMR § 2215.5 (failure to conspicuously post warning signs for fumigation);

(q) 20 DCMR § 2215.7 (failure to have a guard present on-site during fumigation);

(r) 20 DCMR § 2215.8 (failure of guard to be capable, awake, alert, or to remain on duty at the site at all times);

(s) 20 DCMR §§ 2215.9 or 2215.10 (failure to comply with a requirement for introducing a fumigant or for allowing re-occupancy after fumigation);

(t) 20 DCMR §§ 2400.2 or 2400.3 (permitting the use of a pesticide or restricted-use pesticide by a person who is neither a licensed and certified applicator or a registered employee acting under the direct supervision of a licensed applicator); or

(u) 20 DCMR § 2502.2 (violating a "stop sale, use or removal" order).

4002.2 In addition to § 4002.3, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 2200.3 (distributing a pesticide not registered with the Department);

(b) 20 DCMR § 2200.7 (failure to distribute a registered pesticide in the registrant's or manufacturer's unbroken immediate container);

(c) 20 DCMR § 2200.8 (failure to comply with a labeling, container, or wrapper requirement);

(d) 20 DCMR § 2200.9 (detaching, altering, defacing, or destroying a label required by FIFRA);

(e) 20 DCMR § 2203.1 (failure to obtain a license);

(f) 20 DCMR § 2205.5 (improper use of a public applicator license);

(g) 20 DCMR § 2207.1 (using a pesticide in a manner inconsistent with its labeling or in violation of imposed restrictions);

(h) 20 DCMR § 2207.2 (making a pesticide recommendation that is inconsistent with its labeling or in violation of imposed restrictions);

(i) 20 DCMR § 2207.4 (using fraud or misrepresentation in applying for certification or a license);

(j) 20 DCMR § 2207.6 (making a false or fraudulent claim through any media that misrepresents the effect of a pesticide or method to be utilized in its application);

(k) 20 DCMR § 2207.7 (applying an ineffective or improper pesticide; operating faulty or unsafe equipment);

(l) 20 DCMR § 2207.8 (using or supervising the use of a pesticide in a faulty, careless, or negligent manner);

(m) 20 DCMR § 2207.14 (failure to register a pesticide in the District of Columbia);

(n) 20 DCMR § 2208.1 (distributing a pesticide or device that is misbranded);

(o) 20 DCMR §§ 2208.3 to 2208.4 or 2208.6 to 2208.14 (failure to comply with a labeling, package, container, or wrapper requirement);

(p) 20 DCMR § 2208.5 (offering for sale a pesticide under the name of another pesticide or imitation of another pesticide);

(q) 20 DCMR § 2210.1 (using a pesticide in a manner inconsistent with its labeling, or in violation of a law or regulation);

(r) 20 DCMR § 2210.2 (failing to maintain equipment);

(s) 20 DCMR § 2212.1 (failure to instruct an employee on the hazards of pesticide use and proper steps to avoid those hazards);

(t) 20 DCMR § 2212.2 (failure to provide an employee with necessary safety equipment and protective clothing);

(u) 20 DCMR § 2212.3 (failure to inform an employee of reentry requirements or provide necessary protective clothing or apparatus if premature reentry is necessary);

(v) 20 DCMR §§ 2300.1 or 2300.2 (purchasing or using a restricted-use pesticide without a license and not under the direct supervision of a licensed commercial or public applicator, or supervising the use of a restricted-use pesticide without a license);

(w) 20 DCMR § 2311.9 (failure to instruct an employee on proper pesticide use);

(x) 20 DCMR §§ 2400.1 or 2400.4 (failure of a person or place of business to obtain a license);

(y) 20 DCMR § 2400.5 (transferring a pesticide operator license from one business to another); or

(z) 20 DCMR § 2402.7 (using a restricted-use pesticide without the supervision of a licensed certified applicator during the grace period provided in 20 DCMR § 2402).

4002.3 In addition to § 4002.2, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 2508.10 (failure to report a significant pesticide accident or incident when required to do so by the Director); or

(b) 20 DCMR § 2509.4 (selling or transferring a restricted-use pesticide to any person other than a licensed certified applicator or authorized representative).

4002.4 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 2200.5 (using or revealing for one's own advantage information relating to the formula of a pesticide registered with the Department);

(b) 20 DCMR § 2207.5 (refusing or neglecting to comply with a limitation or restriction on a certification or license);

(c) 20 DCMR § 2210.3 (using a pesticide container for a purpose other than containing the original product);

(d) 20 DCMR § 2210.6 (applying a pesticide when the wind velocity will cause the pesticide to drift beyond the target area);

(e) 20 DCMR § 2210.7 (displaying or offering for sale a pesticide in a container which is damaged or has a damaged or obscure label);

(f) 20 DCMR §§ 2305.1 or 2307.4 (failure to renew certification);

(g) 20 DCMR § 2311.1 (applying a pesticide without the direct supervision of a licensed certified applicator);

(h) 20 DCMR §§ 2403.2, 2403.3, 2403.6, or 2403.7 (failure to comply with liability insurance requirements);

(i) 20 DCMR § 2507.3 (failure to renew a license on or before the first day of a licensure period);

(j) 20 DCMR §§ 2508.1 to 2508.3, 2508.5 to 2508.7, or 2508.11 to 2508.13 (failure to comply with a record keeping requirement or provide records or other information);

(k) 20 DCMR §§ 2509.1 to 2509.3 (failure to comply with a record keeping requirement for or provide records on restricted-use pesticides);

(l) D.C. Official Code § 8-403.01(a) or 8-403.04 (failure to provide customer with required information before a pesticide application);

(m) D.C. Official Code § 8-403.01(b) (failure to provide customer with advance notice of a pesticide application upon request); or

(n) D.C. Official Code § 8-403.02 (failure to provide tenant and resident with required information before a pesticide application).

4002.5 Violation of any of the following provisions shall be a Class 4 infraction:

(a) 20 DCMR §§ 2204.4 or 2204.5 (failure to register an employee who works under the direct supervision of a licensed, certified applicator within thirty (30) days of employment);

(b) 20 DCMR § 2204.8 (failure to give written notice of termination of registered employee within thirty (30) days of termination or failure to return terminated employee's identification card);

(c) 20 DCMR § 2210.4 (failure to use an effective anti-siphon device for equipment);

(d) 20 DCMR § 2214.1 (failure to post a sign at the time of pesticide application that meets the requirements of 20 DCMR § 2214);

(e) 20 DCMR § 2300.18 (failure to post license conspicuously);

(f) 20 DCMR § 2300.19 (failure to make license accessible for inspection);

(g) 20 DCMR § 2306.4 (failure to submit credentials and license to employer after termination of employment);

(h) 20 DCMR § 2306.5 (failure to notify the Director of the termination of an employee and return a terminated employee's license and credentials to the Director within ten (10) working days of employee submitting license and credentials);

(i) 20 DCMR § 2311.7 (failure to have a pesticide label at work site);

(j) 20 DCMR § 2400.6 (failure to surrender a license within ten (10) working days of termination of a business);

(k) 20 DCMR § 2400.8 (failure to post license conspicuously);

(l) 20 DCMR § 2400.9 (failure to make license accessible for inspection);

(m) 20 DCMR § 2402.2 (failure to post certificate conspicuously or make accessible during normal business hours for inspection); or

(n) 20 DCMR § 2402.4 (failure to notify the Director when supervision by a licensed certified applicator is not available).

4002.6 Violation of any provision of the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70, as amended; D.C. Official Code §§ 8-401 to 8-419), or the implementing rules in 20 DCMR Chapters 22 through 25 which is not cited elsewhere in this section, shall be a Class 5 infraction.

Section 3662, LEAD-BASED PAINT ABATEMENT AND CONTROL INFRACTIONS, is repealed and replaced with a new Section 4003, LEAD-BASED PAINT ACTIVITIES INFRACTIONS, to read as follows:

4003 LEAD-BASED PAINT ACTIVITIES INFRACTIONS

4003.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 8-231.02(b) (applying a lead-based paint or glaze to any surface of a residential, public, or commercial building, bridge, or other structure or superstructure, or on any paved surface);

(b) D.C. Official Code § 8-231.05(b)(1) (continuing work stopped by a Department order);

(c) 20 DCMR § 3304.2 (applying paint with a lead content of more than 0.009%, in accordance with 16 C.F.R. § 1303.1);

(d) 20 DCMR § 3316.4 (failure to obtain a permit for raze or demolition of a pre-1978 building);

(e) 20 DCMR § 3318.5(b) (failure to obtain a permit required by 20 DCMR § 3316 before beginning abatement work);

(f) 20 DCMR § 3318.8 (clearance examination conducted by a prohibited individual following elimination of a lead-based paint hazard);

(g) 20 DCMR § 3319.4 (failure to timely comply with relocation as ordered by DDOE);

(h) 20 DCMR § 3321.1(b) (misrepresenting facts relating to a lead-based paint activity to a client, customer, or DDOE);

(i) 20 DCMR § 3321.1(c) (making a false statement or misrepresentation material to the issuance, modification, or renewal of a certification, permit, or accreditation); or

(j) 20 DCMR § 3321.1(d) (submitting a false or fraudulent record, invoice, or report).

4003.2 In addition to § 4003.3, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 3300.2 (failure to maintain structures built before 1978 free of "lead-based paint hazards");

(b) 20 DCMR § 3302.4(a)(1) (failure to comply with 40 C.F.R. § 745.226 (regarding certification of individuals and firms engaged in lead-based paint activities) and 40 C.F.R. § 745.227 (regarding work practice standards for lead-based paint activities), or any successor regulation of EPA);

(c) 20 DCMR § 3302.4(a)(2) (failure to comply with U.S. Department of Labor, Occupational Safety and Health Administration standards relating to lead, including those found at 29 C.F.R. § 1926.62 (construction work) and 29 C.F.R. § 1910.1025) (occupational exposure to lead generally), and any successor regulations);

(d) 20 DCMR § 3302.4(a)(3) (failure to comply with any requirement of 24 C.F..R Part 35 (lead-based poisoning prevention for residential structures) and any successor regulations);

(e) 20 DCMR § 3302.4(b) (use of any prohibited method of paint removal in violation of 24 C.F.R. § 35.140 and 20 DCMR § 3304 (prohibited methods of paint removal));

(f) 20 DCMR § 3304.1 (engaging in a prohibited practice when performing any lead-based paint activity or any renovation activity that disturbs presumed lead-based paint);

(g) 20 DCMR § 3306.6 (failure to comply with the provisions of 20 DCMR §§ 3302, 3304, and all other applicable laws);

(h) 20 DCMR § 3310.1 (failure to obtain a renovation permit from DDOE);

(i) 20 DCMR § 3311.2(b) (failure to ensure that employees and sub-contractors of a business entity or firm conducting a lead-based paint activity, clearance examination, or renovation comply with 20 DCMR §§ 3302, 3304, and 3310);

(j) 20 DCMR § 3316.1 (failure by an individual or business entity to obtain an abatement permit from DDOE before performing abatement activity);

(k) 20 DCMR § 3316.3(c) (engaging in a prohibited practice enumerated in § 3304 during raze or demolition of a pre-1978 building);

(l) 20 DCMR § 3316.9 (abatement performed by an individual not certified as a lead abatement worker or supervisor);

(m) 20 DCMR § 3316.10(f) (undertaking any other raze or demolition activity before submitting a clearance report to DDOE);

(n) 20 DCMR § 3317.8 (failure to verify that workers engaged in lead-based paint activities are properly trained or certified under the requirements in 20 DCMR Chapter 33 and that such requirements are clearly articulated in accordance with 20 DCMR § 3317.3);

(o) 20 DCMR § 3318.5(c) (failure to ensure that persons performing an abatement activity are certified and adhere to the lead-safe work practice requirements under 20 DCMR § 3302);

(p) 20 DCMR § 3318.5(d) (failure to timely submit a copy of the clearance report to DDOE and tenant that has been prepared by a risk assessor pursuant to D.C. Official Code § 8-231.11(f)(1), and that complies with the clearance report requirements under 20 DCMR § 3318.7);

(q) 20 DCMR § 3318.6(a) (failure to timely comply with a DDOE order to apply interim controls, in conformance with D.C. Official Code § 8-231.15(a));

(r) 20 DCMR § 3318.6(b) (failure to ensure that workers applying interim controls are certified, trained in lead-safe work practices under 20 DCMR § 3302, and adhere to lead-safe work practices);

(s) 20 DCMR § 3318.6(c) (failure to comply with rules for the application of interim controls under 20 DCMR § 3315);

(t) 20 DCMR § 3319.1 (failure to take all necessary steps to provide temporary comparable alternative living arrangements whenever DDOE orders relocation due to the presence of lead-based paint hazards);

(u) 20 DCMR § 3319.1(a) (failure to provide tenant with timely written notice of relocation);

(v) 20 DCMR § 3319.1(b) (failure to provide tenant with written, signed statement of right to return);

(w) 20 DCMR § 3319.1(c) (failure to minimize duration of any temporary relocation);

(x) 20 DCMR § 3319.1(d) (failure to offer any appropriate temporary relocation units within same property);

(y) 20 DCMR § 3319.1(e) (failure to offer any appropriate temporary relocation units within same school district or ward and close to public transportation); or

(z) 20 DCMR § 3319.1(f) (failure to offer other reasonably located, appropriate, and available temporary relocation units if no such unit described in (y) above is available).

4003.3 In addition to § 4003.2, violation of the following provision shall be a Class 2 infraction:

(a) 20 DCMR § 3319.2 (failure to pay all reasonable temporary relocation expenses).

4003.4 In addition to §§ 4003.5 and 4003.6 violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 3302.1 (failure to use lead-safe work practices for an activity that may generate a lead-based paint hazard, in 20 DCMR Chapter 3302 and D.C. Official Code § 8-231.11);

(b) 20 DCMR § 3302.3 (failure by an individual, firm, or entity to comply with each specified lead-safe work practice);

(c) 20 DCMR § 3302.4(c) (failure to prevent dispersal of paint dust, chips, debris, or residue, or increasing the risk of public exposure to lead-based paint);

(d) 20 DCMR § 3302.4(d) (failing to comply with residential property renovation requirements under 40 C.F.R. § 745.80 through 745.92);

(e) 20 DCMR § 3305.10 (failure to issue course completion certificates with proper expiration dates);

(f) 20 DCMR § 3306.1 (performing a lead-based paint activity, clearance examination, or renovation without certification by DDOE according to 20 DCMR § 3306 or § 3307 or § 3308, as applicable);

(g) 20 DCMR § 3307.1 (failure to obtain certification from DDOE for individuals in specified disciplines before performing a renovation, a clearance examination, or any lead-based paint activity except for interim controls);

(h) 20 DCMR § 3309.1(b) (failure of a dust sampling technician to comply with clearance examination requirements under 20 DCMR §§ 3310.4-8 or 3314.9 and 3314.10, as applicable);

(i) 20 DCMR § 3309.2 (dust sampling technician conducting initial clearance examination activities for prohibited purposes);

(j) 20 DCMR § 3310.4 (failure to perform a clearance examination following work that required a renovation permit);

(k) 20 DCMR § 3310.6 (failure to have a clearance examination conducted by a required person);

(l) 20 DCMR § 3310.7 (failure to file a clearance report with DDOE within seven (7) business days following the clearance examination);

(m) 20 DCMR § 3310.9 (failure to comply with 40 C.F.R. § 745.85(a) (work practice standards for renovation activities) and § 745.85(b) (standards for post-renovation cleaning verification) when undertaking renovation work as defined in 40 C.F.R. §§ 745.80 *et seq.* that does not trigger a permit requirement under 20 DCMR Chapter 33);

(n) 20 DCMR § 3310.16 (failure to use lead-safe work practices as set forth in 20 DCMR §§ 3302 and 3304 for renovation work);

(o) 20 DCMR § 3311.2(a) (failure to ensure that employees and subcontractors of a business entity conducting a lead-based paint activity, clearance examination, or renovation are certified pursuant to 20 DCMR §§ 3307 or 3308);

(p) 20 DCMR § 3311.2(c) (failure to ensure that employees and subcontractors of a business entity conducting a lead-based paint activity, clearance examination, or renovation comply with all applicable federal and District laws, regulations, and rules governing the disposal of waste containing lead);

(q) 20 DCMR § 3313.1 (failure to disclose information about lead-based paint, lead-based paint hazards, and pending actions to a purchaser or tenant of a dwelling unit constructed before 1978);

(r) 20 DCMR § 3313.2 (failure to provide required disclosures to a purchaser or tenant to purchase or lease a dwelling unit as required);

(s) 20 DCMR § 3313.3 (failure to provide lead disclosure form and clearance report for units that will be occupied or regularly visited by a child under the age of six (6) or pregnant woman, before tenant is signs a lease for the unit);

(t) 20 DCMR § 3313.4 (failure to timely provide clearance report for a dwelling unit for which a tenant has notified the owner that a person at risk resides or regularly visits);

(u) 20 DCMR § 3313.6 (failure to provide tenants with notice of their rights whenever a tenant executes or renews a lease or the owner provides notice of a rent increase);

(v) 20 DCMR § 3313.8 (failure notify a tenant within ten (10) days of the presence of lead-based paint and to provide a Lead Warning Statement or lead hazard information pamphlet);

(w) 20 DCMR § 3313.9 (failure to maintain and make available copies of all lead-related reports for a property);

(x) 20 DCMR § 3313.10 (failure to document and make available for DDOE the date on which a Tenant Rights form under 20 DCMR § 3313.6 was provided to tenant);

(y) 20 DCMR § 3314.1(a) (failure to provide a prospective tenant with a clearance report, if tenant informs property owner that the household will include a pregnant individual or a child under six (6) years of age); or

(z) 20 DCMR § 3314.1(b) (failure to give a prospective tenant an acknowledgement form upon receipt of clearance report).

4003.5 In addition to §§ 4003.4 and 4003.6 violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 3314.1(c) (failure to retain a copy of an acknowledgement form for at least six (6) years or make it accessible to DDOE);

(b) 20 DCMR § 3314.2(a) (failure to provide, upon written request by a tenant who is pregnant or has a child under six (6) years of age, a clearance report issued within twelve (12) months of the request);

(c) 20 DCMR § 3314.2(b) (failure to ask a tenant sign and date acknowledgement of receipt of the clearance report);

(d) 20 DCMR § 3314.2(c) (failure to retain a copy of an acknowledgement form or make it accessible to DDOE);

(e) 20 DCMR § 3314.3 (issuance of clearance report by an unauthorized person);

(f) 20 DCMR § 3314.8(a) (failure by owner of "lead-free unit" to disclose the presence of enclosed lead-based paint);

(g) 20 DCMR § 3314.8(b) (failure by owner of "lead-free unit" to provide a tenant with a copy of the property's Operations and Maintenance Plan);

(h) 20 DCMR § 3315.5 (issuance of an initial clearance report or any subsequent clearance reports by an unauthorized person);

(i) 20 DCMR § 3316.2 (failure to have individuals trained in lead-safe work practices perform listed activities);

(j) 20 DCMR § 3316.3(b) (failure to use lead safe work practices in conformance with § 3302 or properly dispose of components containing presumed or identified lead-based paint during the raze or demolition of a pre-1978 building involving painted surfaces);

(k) 20 DCMR § 3316.4 (undertaking the raze or demolition of a pre-1978 building without a lead abatement permit as required);

(l) 20 DCMR § 3316.5 (failure to use approved encapsulation products);

(m) 20 DCMR § 3316.10 (failure to timely submit a clearance report within seven (7) days following abatement activities undertaken pursuant to 20 DCMR § 3316.4);

(n) 20 DCMR § 3316.10(a) (failure to conduct a timely clearance examination and repeat examination until a passing clearance report is issued);

(o) 20 DCMR § 3316.10(b) (performance of clearance examination by an unqualified person);

(p) 20 DCMR § 3316.10(c) (performance of clearance examination that does not include a visual inspection of, and dust sampling in, common areas on each floor in a multi-family property containing an occupied unit);

(q) 20 DCMR § 3316.11 (failure to timely submit a clearance report upon completion of abatement activities);

(r) 20 DCMR § 3316.11(a) (failure to conduct a timely clearance examination upon completion of abatement activities);

(s) 20 DCMR § 3316.11(b) (performance of clearance examination by an unqualified individual, if there is no Order to Eliminate Lead-Based Paint Hazards);

(t) 20 DCMR § 3316.11(c) (failure to perform a clearance examination when there is no Order to Eliminate Lead-Based Paint Hazards, as required);

(u) 20 DCMR § 3316.11(d) (failure to analyze environmental samples taken during a clearance examination by an appropriately accredited lab and to include blank samples as required);

(v) 20 DCMR § 3318.5(a) (failure to timely comply with a DDOE Order to eliminate a hazard by lead-based paint hazard abatement);

(w) 20 DCMR § 3318.6(d) (failure to prepare and submit a clearance report, as required);

(x) 20 DCMR § 3318.7 (failure to conduct a timely clearance examination pursuant to an Order to Eliminate Lead-Based Paint Hazards);

(y) 20 DCMR § 3318.7(a) (failure to comply with clearance examination requirements, as required, pursuant to a DDOE Order to Eliminate Lead-Based Paint Hazards); or

(z) 20 DCMR § 3318.7(b) (failure to review specified documents before performing a clearance examination).

4003.6 In addition to §§ 4003.4 and 4003.5, violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 3318.7(c) (failure to provide DDOE with timely notice of a dust test);

(b) 20 DCMR § 3318.7(d) (failure to transmit results of clearance examination within seven (7) days to a property owner);

(c) 20 DCMR § 3318.7(e) (failure to address underlying condition of the property that has caused the failure of the clearance examination);

(d) 20 DCMR § 3318.7(f) (failure to analyze environmental samples taken during a clearance examination by an appropriately accredited lab and to include blank samples, as required); or

(e) 20 DCMR § 3318.7(g) (failure to include items required in clearance report).

4003.7 In addition to § 4003.8, violation of any of the following provisions shall be a Class 4 infraction:

(a) 22 DCMR § 7301.2 (failure by health care provider or health care facility to document the reason for not performing a BBL test);

(b) 20 DCMR § 3302.4(a)(4) (failure to comply with any other standard required under 20 DCMR Chapter 33);

(c) 20 DCMR § 3305.1 (failure of a training provider to obtain accreditation for each training and refresher course for required disciplines);

(d) 20 DCMR § 3305.3 (failure to timely notify DDOE about a training course or any changes);

(e) 20 DCMR § 3305.4 (failure to timely notify DDOE about a course cancellation);

(f) 20 DCMR § 3305.5 (failure to timely provide DDOE with a copy of course certificates awarded, or a list of students who successfully complete a training course);

(g) 20 DCMR § 3305.6 (failure to timely notify DDOE of any change in key staff);

(h) 20 DCMR § 3309.1(a) (failure of dust sampling technician to have in their possession at any job site a copy of their DDOE-issued certification card or EPA issued certificate);

(i) 20 DCMR § 3310.4(a) (failure to conduct required dust sampling in each room that contains a work area, as specified, as part of a clearance examination conducted under 20 DCMR § 3316.2(a)or any provision under 40 C.F.R. § 745.85 (requiring distribution of lead hazard information pamphlet to owners and occupants before beginning renovation));

(j) 20 DCMR § 3310.4(b) (failure to take proper floor samples for work that involves door replacement under 20 DCMR § 3316.2(a), as part of a clearance examination);

(k) 20 DCMR § 3310.4(c) (failure to take proper dust samples for exterior work areas and work areas involving exterior windows or doors, as part of a clearance examination);

(l) 20 DCMR § 3310.4(d) (failure of a lead-based paint inspector or risk assessor to make a required determination of adequate clean soil or ground cover, as part of clearance examination, and to include in clearance report a description of methodology underlying such determination);

(m) 20 DCMR § 3310.4(e) (failure to timely conduct a clearance examination after completion of renovation or other activities listed in 20 DCMR § 3316.2(a) and (b));

(n) 20 DCMR § 3310.11 (failure to timely provide pre-renovation education and documentation, as required, to listed recipients before undertaking renovation activity for compensation in a residential property or child-occupied facility);

(o) 20 DCMR § 3311.4 (failure of business entity or firm performing lead-based paint or renovation activities to comply with recordkeeping requirements of D.C. Official Code §§ 8-231.01 *et seq.*);

(p) 20 DCMR § 3314.9 (failure to include required elements in a clearance report prepared at change in occupancy of rental units);

(q) 20 DCMR § 3314.10 (failure to submit environmental samples taken pursuant to 20 DCMR § 3314 to an appropriately accredited lab);

(r) 20 DCMR § 3315.1 (failure of a person performing interim controls to be trained in the lead-safe work practices set forth in 20 DCMR § 3302);

(s) 20 DCMR § 3315.2 (failure to provide proof of training in lead-safe work practices upon request by DDOE; failure by business entity to ensure that workers comply with these standards);

(t) 20 DCMR § 3315.4 (failure to conduct timely clearance examination for non-abatement activities undertaken pursuant to an Order to Eliminate Lead-Based Paint Hazards);

(u) 20 DCMR § 3315.7(failure to provide timely notice of dust test to DDOE when performing interim controls);

(v) 20 DCMR § 3315.8 (failure to timely submit a copy of a clearance report to DDOE when performing interim controls).

(w) 20 DCMR § 3316.6 (use of encapsulation to eliminate lead-based paint hazards on friction or impact surfaces, when identified as part of a Notice of Violation and Order to Eliminate Lead-Based Paint Hazards);

(x) 20 DCMR § 3316.10(d) (failure to provide timely notice of dust test to DDOE);

(y) 20 DCMR § 3316.10(e (failure to analyze environmental samples taken during a clearance examination by an appropriately credited lab and to include one blank sample for each permit issued pursuant to 20 DCMR § 3316.4); or

(z) 20 DCMR § 3317.3 (failure to provide a timely and sufficient written request for permission to enter an occupied residential rental dwelling unit).

4003.8 In addition to § 4003.7, violation of any of the following provisions shall be a Class 4 infraction:

(a) 20 DCMR § 3317.4 (failure to provide a consent form to a tenant as part of a written request for permission to enter a residential rental dwelling unit under 20 DCMR § 3317.3);

(b) 20 DCMR § 3317.5 (failure to meet the tenant's reasonable conditions for access to a residential rental dwelling unit under 20 DCMR § 3317.4);

(c) 22 DCMR § 7301.3 (failure to conduct additional BLL screening under specified circumstances); or

(d) 22 DCMR § 7301.4 (failure to provide family lead education and referrals for social and environmental services to the family of a child with an elevated blood lead level).

4003.9 Violation of any provision of the Childhood Lead Screening Amendment Act of 2006, effective March 14, 2007, as amended (D.C. Law 16-265; D.C. Official Code §§ 7-871.01 to 7-871.06); the Lead-Hazard Prevention and Elimination Act of 2008, effective March 31, 2009, as amended (D.C. Law 17-381; D.C. Official Code §§ 8-231.01 to 8-231.20); or the implementing rules in 20 DCMR Chapter 33, which is not cited elsewhere in this section, shall be a Class 4 infraction.

Section 3652, HAZARDOUS WASTE INFRACTIONS, is repealed and replaced with a new Section 4007, HAZARDOUS WASTE INFRACTIONS, to read as follows:

4007 HAZARDOUS WASTE INFRACTIONS

4007.1 In addition to §§ 4007.2, 4007.3, and 4007.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 8-1307(c)-(d) (continuing work stopped by a Department order);

(b) 20 DCMR § 4202.2 (unlawful disposal of hazardous waste or used oil);

(c) 20 DCMR § 4202.3(a) (using a surface impoundment for treatment, storage, or disposal of hazardous waste or used oil);

(d) 20 DCMR § 4202.3(b) (using waste piles to treat, store, or dispose of hazardous waste or used oil);

(e) 20 DCMR § 4202.3(c) (using land treatment to manage or dispose of hazardous waste);

(f) 20 DCMR § 4202.3(d) (using landfills for hazardous waste disposal);

(g) 20 DCMR § 4202.3(e) (land disposal of hazardous waste or any mixture of hazardous waste and any other constituent, whether hazardous or not);

(h) 20 DCMR § 4202.3(f) (using used oil for dust suppression);

(i) 20 DCMR § 4202.3(g) (using waste or other material, contaminated or mixed with dioxin or any other hazardous waste, for dust suppression or road treatment);

(j) 20 DCMR § 4202.3(h) (burning, processing, or incinerating hazardous waste, hazardous waste fuels, or mixtures of hazardous wastes and other materials in any type of incinerator, boiler, or industrial furnace);

(k) 20 DCMR § 4202.3(i) (burning used oil, whether on-specification or off-specification);

(l) 20 DCMR § 4202.3(j) (burning waste that meets the comparable fuel or synthesis gas (syngas) fuel specifications);

(m) 20 DCMR § 4202.3(k) (underground injection of hazardous waste);

(n) 20 DCMR § 4202.3(l) (accepting hazardous waste at a solid waste facility);

(o) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.11 by reference), (failure of person who generates a solid waste to determine if the waste is a hazardous waste);

(p) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.12(a) by reference), (failure of generator to obtain EPA identification number before treating, storing, disposing, transporting, or offering for transportation hazardous waste);

(q) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.12(c) by reference), (generator offering hazardous waste to transporter or treatment, storage, or disposal facility that has not received an EPA identification number);

(r) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.20(a) by reference), (failure to prepare required manifest);

(s) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.20(b) by reference), (failure of generator to designate a facility that is permitted to handle the waste described on the manifest);

(t) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.23 by reference), (failure of generator to comply with requirements for use of manifest);

(u) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.31 by reference) (failure of generator to label hazardous waste in accordance with US DOT regulations);

(v) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.32 by reference), (failure of generator to mark hazardous waste in accordance with US DOT regulations);

(w) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.33 by reference), (failure of generator to placard hazardous waste or to offer the initial transporter the appropriate placards in accordance with US DOT regulations);

(x) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.34 by reference), (accumulation of hazardous waste by generator for more than ninety (90) days, or for more than the time periods specified in 40 C.F.R. § 262.34(d), (e), or (f));

(y) 20 DCMR §§ 4262.1 or 4262.4 (which incorporate 40 C.F.R. § 262.43 by reference), (failure of generator to submit reports required by the Director regarding quantities and disposition of waste); or

(z) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.11(a) by reference) or § 4204.2 (failure of transporter to obtain EPA identification number before transporting hazardous waste).

4007.2 In addition to §§ 4007.1, 4007.3, and 4007.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.21 by reference), (failure of transporter to deliver entire quantity of hazardous waste to designated facility, alternate designated facility, next designated transporter, or a place outside the United States; or to contact generator for further directions).

(b) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.30(a) by reference), (failure of transporter to take immediate action to protect human health and the environment in the event of discharge during transport);

(c) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.30(c) and (d) by reference), (failure of transporter to comply with discharge notification and reporting requirements);

(d) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.31 by reference), (failure of transporter to clean up any hazardous waste discharge, or to take required or approved response action);

(e) 20 DCMR § 4263.2 (transporter storing manifested shipments of hazardous waste at a transfer facility without a RCRA permit);

(f) 20 DCMR § 4263.3 (transporter parking a vacuum or pump truck or tanker containing hazardous waste at a transfer facility or any other location in the District of Columbia for more than twenty-four (24) hours);

(g) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(1) by reference), (failure of owner or operator of remediation waste management site to obtain EPA identification number);

(h) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(3) by reference), (failure of owner or operator of remediation waste management site to control access to the site);

(i) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(4) by reference), (failure of owner or operator of remediation waste management site to inspect site);

(j) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(4) by reference), (failure of owner or operator of remediation waste management site to remedy identified hazards);

(k) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(5) by reference), (failure of owner or operator of remediation waste management site to provide personnel with required training);

(l) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(6) by reference), (failure of owner or operator of remediation waste management site to take precautions with respect to ignitable, reactive, and incompatible wastes);

(m) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(7) by reference), (failure of owner or operator of remediation waste management site to meet design, construction, operation, or maintenance requirements for units located within a one hundred-year (100-year) floodplain);

(n) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(10) by reference), (failure of owner or operator of remediation waste management site to develop and maintain procedures to prevent accidents or to develop and maintain a contingency and emergency plan);

(o) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(11) by reference), (failure of owner or operator of remediation waste management site to designate employee to coordinate emergency response measures);

(p) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.11 and 265.11 by reference), (failure of owner or operator to obtain EPA identification number);

(q) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.14(a)-(b) and 265.14(a)-(b) by reference), (failure of owner or operator to control access to active portion of facility);

(r) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.15(a) and 265.15(a) by reference), (failure of owner or operator to inspect facility);

(s) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.17 or 265.17 by reference), (failure of owner or operator to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste);

(t) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.56 or 265.56 by reference), (failure of owner or operator to follow required emergency procedures);

(u) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.73 or 265.73 by reference), (failure of owner or operator to comply with operating record requirements);

(v) 20 DCMR §§ 4264.1 and 4265.1 (which incorporate 40 C.F.R. §§ 264.74 or 265.74 by reference), (failure of owner or operator to furnish records upon request and make records available for inspection);

(w) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.111 or 265.111 by reference), (failure of owner or operator to comply with closure performance standard);

(x) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.114 or 265.114 by reference), (failure of owner or operator to properly dispose of or decontaminate equipment, structures, or soils);

(y) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.117 or 265.117 by reference), (failure of owner or operator to comply with requirements for post-closure care and use of property); or

(z) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.172 or 265.172 by reference), (failure of owner or operator to use a container that will not react with, or otherwise be incompatible with, the waste to be stored).

4007.3 In addition to §§ 4007.1, 4007.2, and 4007.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.176 and 265.176 by reference), (failure of owner or operator to place containers holding ignitable or reactive waste required distance from facility property line);

(b) 20 DCMR § 4264.1 (which incorporate 40 C.F.R. § 264.178, by reference), (failure of owner or operator storing containers of hazardous waste to comply with closure standards in 40 C.F.R. § 264.178);

(c) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.194 or 265.194 by reference), (failure of owner or operator of tank system to comply with general operating requirements for tank or containment systems);

(d) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.195 or 265.195 by reference), (failure of owner or operator of tank system to perform required inspections);

(e) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.196 or 265.196 by reference), (failure of owner or operator of tank system to comply with requirements for response to leaks, spills, or disposition of tank systems or secondary containment systems that are unfit for use);

(f) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.197 or 265.197 by reference), (failure of owner or operator of tank system to perform required closure or post-closure care);

(g) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.198 or 265.198 by reference), (failure of owner or operator of tank system to comply with special requirements for ignitable or reactive wastes);

(h) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.199 or 265.199 by reference), (failure of owner or operator of tank system to comply with special requirements for incompatible wastes or incompatible wastes and materials);

(i) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.1102 or 265.1102 by reference) (failure of owner or operator of containment building to comply with closure or post-closure care standards);

(j) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.1201 or 265.1201 by reference), (failure of owner or operator storing munitions or explosive hazardous wastes to comply with the design and operating standards);

(k) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.1202 or 265.1202 by reference), (failure of owner or operator storing munitions or explosive hazardous waste to comply with the standards for closure or post-closure care);

(l) 20 DCMR § 4270.1 (which incorporates 40 C.F.R. § 270.1(c) by reference), (failure to have required RCRA permit);

(m) 20 DCMR § 4270.1 (which incorporates 40 C.F.R. § 270.10(f) by reference), (physical construction of hazardous waste management facility without finally effective RCRA permit);

(n) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.11(a) or 273.31(a) by reference), (universal waste handler disposing of universal waste);

(o) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.11(b) or 273.31(b) by reference), (universal waste handler diluting or treating universal waste);

(p) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.13(b) or 273.33(b) by reference), (failure of universal waste handler to manage universal waste pesticides in a way that prevents releases to the environment);

(q) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.17(a) or 273.37(a) reference), (failure of universal waste handler to immediately contain all releases);

(r) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.51(a) by reference), (universal waste transporter disposing of universal waste);

(s) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.51(b) by reference), (universal waste transporter diluting or treating universal waste);

(t) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.54(a) by reference), (failure of universal waste transporter to immediately contain release of universal waste or other residues from universal waste);

(u) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.55(a) by reference), (universal waste transporter transporting universal waste to a place other than a universal waste handler, destination facility, or foreign destination);

(v) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.60(a) by reference), (failure of owner or operator of destination facility to comply with notification requirements and permitting requirements of 40 C.F.R. 264, 265, 266, 268, 270, and 124);

(w) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.61(a) by reference), (owner or operator of destination facility sending or taking universal waste to a place other than a universal waste handler, another destination facility, or foreign destination);

(x) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.61(b) by reference), (failure of owner or operator of destination facility to comply with requirements for rejected shipments);

(y) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.61(c) by reference), (failure of owner or operator of destination facility to immediately notify the Department of illegal shipments); or

(z) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.62 by reference), (failure of owner or operator of destination facility to keep and retain a record of universal waste shipments received at the facility).

4007.4 In addition to §§ 4007.1, 4007.2, and 4007.3, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. §§ 279.22(d), 279.43(c), 279.45(h), or 279.54(g) by reference), (failure to respond to release or discharge of used oil);

(b) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.42 by reference), (failure of transporter to obtain EPA identification number before engaging in used oil activity);

(c) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.43(a) by reference), (failure of used oil transporter to deliver all used oil received to specified facilities);

(d) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.45(c) by reference), (failure of owner or operator of used oil transfer facility to comply with requirements for containers and above ground tanks used to store used oil);

(e) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.45(d), (e), or (f) by reference), (failure of owner or operator of used oil transfer facility to meet requirements for secondary containment for containers or tanks);

(f) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.51(a) by reference), (failure of used oil processor or re-refiner to obtain EPA identification number before engaging in used oil activity);

(g) 20 DCMR § 4279.6(a) (management of used oil in surface impoundments or waste piles);

(h) 20 DCMR § 4279.6(b) (use of used oil as a dust suppressant);

(i) 20 DCMR § 4279.6(c) (burning of used oil, whether on-specification or off-specification);

(i) 20 DCMR § 4301.1 (unlawfully denying entry to a place or vehicle where materials subject to regulation are or have been located);

(j) 20 DCMR §§ 4305.2 and 4305.3 (failure or refusal to conduct monitoring or testing, or to take response or corrective measures as directed in a Notice of Violation, Threat, or Release);

(k) D.C. Official Code § 8-1055(c)(15) (failure of owner or operator of solid waste facility to develop and submit to the Department an inspection, monitoring, and control plan to detect and prevent handling of hazardous, infectious, or radioactive wastes);

(l) D.C. Official Code § 8-1055(c)(16) (failure of owner or operator of solid waste facility to immediately notify the Department, detain, and secure a shipment containing hazardous, infectious, or radioactive waste); or

(m) D.C. Official Code § 8-1055(c)(17) (failure of owner or operator of solid waste facility to properly dispose of hazardous, infectious, or radioactive waste).

4007.5 In addition to §§ 4007.6, 4007.7, and 4007.8, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 4206.1 (failure to retain records on-site);

(b) 20 DCMR § 4261.1 (which incorporates 40 C.F.R. § 261.4(a)(24)(v) and (vii) by reference), (failure of generator of hazardous secondary material to comply with requirements for handling, reclamation facility determinations, recordkeeping, or notice);

(c) 20 DCMR § 4261.1 (which incorporates 40 C.F.R. § 261.4(a)(24)(vi) and (vii) by reference), (failure of reclaimer of hazardous secondary material to comply with requirements for handling, recordkeeping, financial assurance, or notice);

(d) 20 DCMR § 4261.7(a) (failure of conditionally exempt small quantity generator to comply with the notification requirements of § 3010 of RCRA);

(e) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.20(d) by reference), (failure of generator to designate alternate facility or instruct transporter to return waste, if transporter is unable to deliver the hazardous waste to designated facility);

(f) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.30 by reference), (failure of generator to package hazardous waste in accordance with DOT regulations);

(g) 20 DCMR § 4262.1 (which incorporate 40 C.F.R. § 262.34(a)(2) by reference), (failure by generator to clearly mark accumulation start date on each container);

(h) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.34(a)(3) by reference), (accumulation of hazardous waste by generator without labeling or marking container or tank with the words "hazardous waste");

(i) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.34(a)(4) by reference), (accumulation of hazardous waste by generator without meeting requirements of 40 C.F.R. Part 265, subparts C and D; § 265.16; or § 268.7(a)(5));

(j) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.40(a) by reference), (failure of generator to keep copy of each manifest for the required period of time);

(k) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.40(b) by reference), (failure of generator to keep a copy of each biennial report and exception report for the required period of time);

(l) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.40(c) by reference), (failure of generator to keep records of test results, waste analyses, or other determinations for the required period of time);

(m) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.41 by reference), (failure to submit biennial report meeting regulatory requirements by March 1st of each even-numbered year);

(n) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.42(a)(1) by reference), (failure of large quantity generator to contact transporter or

owner or operator of designated facility if generator does not receive properly signed copy of manifest within thirty-five (35) days);

(o) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.42(a)(2) by reference), (failure of large quantity generator to submit required exception report);

(p) 20 DCMR § 4262.1 (which incorporates 40 C.F.R. § 262.42(b) by reference), (failure of generator of greater than one hundred (100) kilograms but less than one thousand (1000) kilograms of hazardous waste in a calendar month to comply with requirements for exception reporting);

(q) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.20(a) by reference), (acceptance of hazardous waste by transporter without a properly signed manifest; or, for exports, an EPA Acknowledgement of Consent or tracking document, as applicable);

(r) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.20(b) by reference), (failure of transporter to sign and date manifest and return signed copy of the manifest to generator before leaving the generator's property);

(s) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.20(c) by reference), (failure of transporter to ensure that manifest, or for exports, EPA Acknowledgement of Consent or tracking document, as applicable, accompanies the hazardous waste);

(t) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.20(d) by reference), (failure of transporter to obtain date of delivery and required signature on manifest, and to keep and deliver appropriate copies);

(u) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.20(f) by reference), (failure of initial rail transporter to meet manifest requirements);

(v) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.20(g) by reference), (failure of transporter who transports hazardous waste outside of United States to meet manifest requirements);

(w) 20 DCMR § 4263.1 (which incorporates 40 C.F.R. § 263.22 by reference), (failure of transporter to maintain copies of manifest and shipping papers, as required);

(x) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(12) by reference), (failure of owner or operator of remediation waste management

site to develop, maintain, and implement a plan to meet the requirements in 40 C.F.R. § 264.1(j)(2) through (j)(6) and (j)(9) through (j)(10));

(y) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.1(j)(13) by reference), (failure of owner or operator of remediation waste management site to maintain records documenting compliance with 40 C.F.R. § 264.1(j)(1) through (j)(12)); or

(z) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.13 or 265.13), (failure to comply with waste analysis requirements).

4007.6 In addition to §§ 4007.5, 4007.7, and 4007.8, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.14(c) or 265.14(c) by reference), (failure of owner or operator to post required warning sign(s));

(b) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.15(d) or 265.15(d) by reference), (failure of owner or operator to record inspections in an inspection log or summary, as required, or to retain records for three (3) years from the date of the inspection);

(c) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.16 or 265.16 by reference), (failure of owner or operator to ensure that facility personnel successfully complete required training or instruction program);

(d) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.32 or 265.32 by reference), (failure of owner or operator to equip facility as required);

(e) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.33 or 265.33 by reference), (failure of owner or operator to test and maintain required equipment);

(f) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.34 or 265.34 by reference), (failure of owner or operator to provide required access to communications or alarm systems);

(g) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.35 or 265.35 by reference), (failure of owner or operator to maintain required aisle space);

(h) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.51 or 265.51 by reference), (failure of owner or operator to have a facility contingency plan, or failure to follow contingency plan);

(i) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.71 or 265.71 by reference), (failure of owner or operator to comply with manifest system requirements);

(j) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.75 or 265.75 by reference), (failure of owner or operator to submit a completed biennial report to the Director by March 1 of each even-numbered year);

(k) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.76 or 265.76 by reference), (failure of owner or operator to submit unmanifested waste report to Director within fifteen (15) days of receiving the waste);

(l) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.77 or 265.77 by reference), (failure of owner or operator to submit to the Director required additional reports);

(m) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.90, 264.97, or 265.90 by reference), (failure to comply with groundwater monitoring requirements);

(n) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.143, 264.145 or 265.143, 265.145 by reference), (failure of owner or operator to comply with financial assurance requirements);

(o) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.147 or 265.147 by reference), (failure of owner or operator to comply with liability coverage requirements);

(p) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.171 or 265.171 by reference), (failure of owner or operator to transfer hazardous waste from a container that is not in good condition);

(q) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.173 or 265.173 by reference), (failure of owner or operator to properly manage containers);

(r) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.174 or 265.174 by reference), (failure of owner or operator to inspect areas where containers are stored, as required);

(s) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.175 by reference), (failure of owner or operator to design or operate containment system in accordance with the requirements of 40 C.F.R. § 264.175);

(t) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.177 or 265.177 by reference), (failure of owner or operator to comply with special requirements for incompatible wastes and materials);

(u) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.193 or 265.193 by reference), (failure of owner or operator of tank system to provide secondary containment, as required);

(v) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.1101 or 265.1101 by reference), (failure of owner or operator of containment building to comply with design or operating standards);

(w) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.201 by reference), (failure of generator of between one hundred (100) and one thousand (1,000) kilograms per month that accumulates hazardous waste in tanks to comply with the special requirements in 40 C.F.R. § 265.201);

(x) 20 DCMR § 4266.1 (which incorporates 40 C.F.R. § 266.70(b)(1) by reference), (failure of person who generates, transports, or stores recyclable materials utilized for precious metal recovery to comply with notification requirements under § 3010 of RCRA);

(y) 20 DCMR § 4266.1 (which incorporates 40 C.F.R. § 266.70(c) by reference), (failure of persons who store recycled materials utilized for precious metal recovery to comply with recordkeeping requirements); or

(z) 20 DCMR § 4266.1 (which incorporates 40 C.F.R. § 266.80(b)(1)(i) and (2)(i) by reference), (failure of owner or operator of facility that stores spent lead-acid batteries before reclaiming them, but that does not reclaim them through regeneration, to comply with notification requirements under § 3010 of RCRA).

4007.7 In addition to §§ 4007.5, 4007.6 and 4007.8, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 4270.1 (which incorporates 40 C.F.R. 270.30 by reference), (failure to comply with all conditions of RCRA permit);

(b) 20 DCMR §§ 4273.1 or 4273.2 (failure of universal waste handler to submit written notification of universal waste management and obtain EPA identification number before generating universal waste or receiving universal waste from other universal waste handlers);

(c) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.13(a) or 273.33(a) by reference), (failure of universal waste handler to manage

universal waste batteries in a way that prevents releases to the environment);

(d) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.13(c) or 273.33(c) by reference), (failure of universal waste handler to manage universal waste mercury-containing equipment in a way that prevents releases to the environment);

(e) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.13(d) or 273.33(d) by reference), (failure of universal waste handler to manage universal waste lamps in a way that prevents releases to the environment);

(f) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.14 and 273.34 by reference), (failure of universal waste handler to label or mark a universal waste to identify the type of universal waste);

(g) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.15 or 273.35 by reference), (accumulation by universal waste handler of a universal waste for longer than one (1) year without meeting requirements for extension of time);

(h) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.16 or 273.36 by reference), (failure to inform employees of handling and emergency procedures for universal waste);

(i) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. §§ 273.18(a) or 273.38(a) by reference), (universal waste handler sending or taking universal waste to a place other than another universal waste handler, a destination facility, or foreign destination);

(j) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.39(a) by reference), (failure of large quantity universal waste handler to keep a record of universal waste shipments received at a facility);

(k) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.39(b) by reference), (failure of large quantity universal waste handler to keep a record of universal waste shipments sent from the handler to other facilities);

(l) 20 DCMR § 4273.1 (which incorporates 40 C.F.R. § 273.39(c) by reference), (failure of large quantity universal waste handler to comply with record retention requirements);

(m) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.22(a) by reference), (storage of used oil in units other than tanks, containers, or units subject to regulation under 40 C.F.R. Parts 264 or 265);

(n) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.22(b) by reference), subject to modification in 20 DCMR § 4279, (failure to comply with requirements for containers and above ground tanks used to store used oil);

(o) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.22(c) by reference), (failure to clearly label or mark container, tank, or fill pipe with the words "used oil");

(p) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.24 by reference), (failure of used oil generator to ensure that used oil is transported by transporter that has obtained an EPA identification number);

(q) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.43(b) by reference), (failure of used oil transporter to comply with applicable DOT requirements);

(r) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.45(b) by reference), (owner or operator of used oil transfer facility storing used oil in units other than containers, tanks, or other units subject to regulation under 40 C.F.R. Parts 264 or 265);

(s) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.45(g) by reference), (failure of owner or operator of used oil transfer facility to clearly label or mark containers, tanks, or fill pipes with the words "used oil");

(t) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.46 by reference), (failure of used oil transporter to comply with tracking or record retention requirements);

(u) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.52 by reference), (failure of used oil processor or re-refiner to comply with general facility standards);

(v) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.54 by reference), (failure of used oil processor or re-refiner to comply with used oil management standards);

(w) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.56 by reference), (failure of used oil processor or re-refiner to comply with tracking or record retention requirements);

(x) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.57 by reference), (failure of used oil processor or re-refiner to comply with operating record and reporting requirements);

(y) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.58 by reference), (failure of used oil processor or re-refiner to use a used oil transporter who has obtained an EPA identification number to ship used oil off-site); or

(z) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.71 by reference), (used oil fuel marketer initiating shipment of off-specification used oil in violation of prohibitions).

4007.8 In addition to §§ 4007.5, 4007.6 and 4007.7, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.72(b) by reference), (failure of used oil generator, transporter, or processor/re-refiner to comply with record retention requirements);

(b) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.73(a) by reference), (failure of used oil fuel marketer to obtain EPA identification number);

(c) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.74 by reference), (failure of used oil fuel marketer to comply with tracking or record retention requirements); or

(d) 20 DCMR § 4279.1 (which incorporates 40 C.F.R. § 279.75 by reference), (failure of used oil generator, transporter, or processor/re-refiner to obtain burner certification).

4007.9 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 4261.1 (which incorporates 40 C.F.R. § 261.4(d) and (e) by reference), (failure of generator or sample collector to comply with requirements for the proper labeling and packaging of testing or treatability study samples);

(b) 20 DCMR § 4261.7(c) (failure of conditionally exempt small quantity generator to comply timely and fully with self-certification of compliance);

(c) 20 DCMR § 4262.5 (failure of generator of greater than one hundred (100) kilograms but less than one thousand (1000) kilograms of hazardous waste in a calendar month to comply with self-certification of compliance);

(d) 20 DCMR § 4264.1 (which incorporates 40 C.F.R. § 264.12(b)) (failure of owner/operator to inform generator of required permits and retaining copy of notice);

(e) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.373 by reference), (failure of owner or operator to comply with general operating requirements for thermal treatment);

(f) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.377 by reference), (failure of owner or operator to comply with monitoring and inspection requirements when thermally treating hazardous waste);

(g) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.381 by reference), (failure of owner or operator at closure to remove all hazardous waste and hazardous waste residues from thermal treatment process or equipment);

(h) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.401 by reference), (failure of owner or operator of facility that treats hazardous waste by chemical, physical, or biological methods to comply with general operating requirements);

(i) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.403 by reference), (failure of owner or operator of facility that treats hazardous waste by chemical, physical, or biological methods to comply with inspection requirements);

(j) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.404 by reference), (failure of owner or operator of facility that treats hazardous waste by chemical, physical, or biological methods, at closure, to remove all hazardous waste and hazardous waste residues);

(k) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.405 by reference), (failure of owner or operator of facility that treats hazardous waste by chemical, physical, or biological methods, to comply with special requirements for ignitable or reactive waste);

(l) 20 DCMR § 4265.1 (which incorporates 40 C.F.R. § 265.406 by reference), (failure of owner or operator of facility that treats hazardous waste by chemical, physical, or biological methods to comply with special requirements for incompatible wastes or incompatible wastes and materials);

(m) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.573 or 265.443 by reference), (failure of owner or operator of drip pad to comply with design or operating requirements);

(n) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.575 or 265.445 by reference), (failure of owner or operator of drip pad to comply with closure standards);

(o) 20 DCMR §§ 4264.1 or 4265.1 (which incorporate 40 C.F.R. §§ 264.1030-1090 or 265.1030-1090 by reference), (failure of owner or operator to comply with air emission standards or recordkeeping);

(p) D.C. Official Code § 8-1055(c)(17) (owner or operator of solid waste facility allowing hazardous, infectious, or radioactive waste to remain on-site for more than twenty-four (24) hours); or

(q) D.C. Official Code § 8-1055(c)(18) (failure of owner or operator of solid waste facility to provide monthly report to the Department).

4007.10 Violation of any provision of the District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978, as amended (D.C. Law 2-64; D.C. Official Code §§ 8-1301 to 8-1314 (2012 Repl.)), or the Hazardous Waste Management Regulations, 20 DCMR Chapters 42 and 43, that is not cited elsewhere in this section, shall be a Class 3 infraction.

Section 3651, UNDERGROUND STORAGE TANK INFRACTIONS, is repealed and replaced with a new Section 4008, UNDERGROUND STORAGE TANK INFRACTIONS, to read as follows:

4008 UNDERGROUND STORAGE TANK INFRACTIONS

4008.1 In addition to §§ 4008.2, 4008.3, and 4008.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 8-113.09(c) (continuing work stopped by a Department order);

(b) 20 DCMR § 5502.2 (installing an underground storage tank (UST) system listed in 20 DCMR § 5502.1 that fails to meet specified requirements);

(c) 20 DCMR § 5601.14 (depositing or dispensing regulated substance into a UST for which registration has been denied);

(d) 20 DCMR § 5602.1 (failure to cooperate fully with inspections, monitoring, or testing conducted by the Director, as well as requests for document submission, testing, or monitoring);

(e) 20 DCMR § 5602.2 (failure to submit specified information and documentation as required);

(f) 20 DCMR § 5700.1 (failure of petroleum UST system to meet specified performance standards or requirements for upgrade, corrective action, or closure);

(g) 20 DCMR § 5700.2 (failure of UST system to satisfy release detection requirements set forth in 20 DCMR Chapter 60);

(h) 20 DCMR § 5700.3 (failure of hazardous substance UST system installed after November 12, 1993 to meet performance standards set forth in 20 DCMR § 5702);

(i) 20 DCMR § 5700.4 (failure of hazardous substance UST system to meet performance standards set forth in 20 DCMR § 5702 or permanent closure and corrective action requirements in 20 DCMR Chapters 61 and 62);

(j) 20 DCMR § 5700.8 (failure to meet any applicable requirements of 20 DCMR Chapter 57, for an UST system installed after December 22, 1988);

(k) 20 DCMR § 5701.1 (failure of petroleum UST to meet specified construction and material requirements);

(l) 20 DCMR § 5701.2 (failure of petroleum steel tank to be cathodically protected as specified);

(m) 20 DCMR § 5701.7 (failure of motor fuel dispenser system to contain under-dispenser containment as specified);

(n) 20 DCMR § 5702.1 (failure of hazardous substance UST to meet specified construction and material requirements);

(o) 20 DCMR § 5702.2 (failure of hazardous substance steel tank to be cathodically protected as specified);

(p) 20 DCMR § 5703.1 (failure of heating oil UST to meet specified construction and material requirements);

(q) 20 DCMR § 5703.2 (failure of heating oil steel tank to be cathodically protected as specified);

(r) 20 DCMR § 5704.2 (failure of UST system piping to meet specified construction and material requirements);

(s) 20 DCMR § 5704.3 (failure of steel UST piping to be cathodically protected as specified);

(t) 20 DCMR § 5705.1 (failure to use spill prevention equipment);

(u) 20 DCMR § 5800.1 (failure of petroleum UST system to comply with specified upgrade requirements, performance standards, permanent closure requirements, or corrective action requirements);

(v) 20 DCMR § 5800.2 (depositing a regulated substance into a petroleum UST that has not met upgrade requirements in 20 DCMR § 5800.1);

(w) 20 DCMR § 5800.3 (failure of hazardous substance UST system to comply with specified performance standards, permanent closure requirements, or corrective action requirements);

(x) 20 DCMR § 5801.4 (failure to repair or replace UST linings that have lost adhesion, cracked, or otherwise fail to meet original design specifications);

(y) 20 DCMR § 5803.1 (failure to comply with UST system spill and overfill prevention equipment requirements, in accordance with 20 DCMR § 5705); or

(z) 20 DCMR § 5900.10 (failure to report, investigate, or clean up spills or overfills, in accordance with 20 DCMR Chapter 62).

4008.2 In addition to §§ 4008.1, 4008.3, and 4008.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 6000.1 (failure to provide release detection method(s) that meet the requirements of 20 DCMR § 6000);

(b) 20 DCMR § 6000.3 (failure to comply with release detection requirements for all pressurized piping, in accordance with 20 DCMR § 6004);

(c) 20 DCMR § 6000.6 (release detection system incapable of detecting a release from all portions of the tank and connected underground piping);

(d) 20 DCMR § 6000.8 (failure of release detection method to meet applicable performance requirements of 20 DCMR §§ 6004 through 6013);

(e) 20 DCMR § 6000.10 (failure of release detection method installed after December 22, 1990, to be capable of detecting leak rate or quantity with specified probability of detection);

(f) 20 DCMR § 6000.12 (failure to repair or replace leak detection system within 45 days in accordance with 20 DCMR Chapter 60);

(g) 20 DCMR § 6000.14 (failure to notify Director of suspected release, in accordance with 20 DCMR Chapter 62);

(h) 20 DCMR § 6000.15 (failure to provide release detection for heating oil UST that is 15 years or older with capacity of 1,100 gallons or more, in accordance with 20 DCMR § 5503);

(i) 20 DCMR § 6000.16 (failure to provide release detection for an UST system that is 15 years or older and stores fuel for use by an emergency generator, in accordance with 20 DCMR § 5505);

(j) 20 DCMR § 6002.1 (failure to provide release detection for a hazardous substance UST system that meets the requirements of 20 DCMR § 6002);

(k) 20 DCMR § 6002.2 (failure of release detection system for a new hazardous substance UST system to meet requirements of 20 DCMR §§ 6003 and 6004);

(l) 20 DCMR § 6002.6 (failure of existing hazardous substance UST system to meet release detection requirements of 20 DCMR §§ 6003 and 6004);

(m) 20 DCMR § 6003.1 (failure to provide release detection for a petroleum UST system, in accordance with 20 DCMR § 6003);

(n) 20 DCMR § 6003.2 (failure of release detection methods to meet requirements of 20 DCMR §§ 6005 through 6012);

(o) 20 DCMR § 6004.2 (failure of release detection method for petroleum UST system piping to meet the requirements of 20 DCMR § 6004);

(p) 20 DCMR § 6004.3 (failure of petroleum UST piping that conveys regulated substances under pressure to be equipped with an automatic line leak detector);

(q) 20 DCMR § 6100.6 (failure to immediately comply with the requirements of 20 DCMR § 6100.7 and 20 DCMR Chapter 62 if a release is suspected or confirmed when UST system is temporarily closed);

(r) 20 DCMR § 6101.11 (failure to begin corrective action in accordance with 20 DCMR Chapter 62 if specified mandatory clean-up criteria are exceeded during Closure Assessment);

(s) 20 DCMR § 6101.12 (stockpiling of contaminated soils on site or failure to properly store, treat, or dispose of soil);

(t) 20 DCMR § 6101.13 (returning untreated contaminated soils to the excavation pit or using the soils on-site);

(u) 20 DCMR § 6101.14 (failure during tank removal to remove, treat, and properly dispose of contaminated or grossly contaminated soils at an approved facility);

(v) 20 DCMR § 6201.1 (failure to take immediate action to contain and clean up any spill or overfill of a regulated substance from an UST system);

(w) 20 DCMR § 6201.2 (failure to immediately report to the Director and to the Fire Chief any spill or overfill where there is danger of fire or explosion);

(x) 20 DCMR § 6201.3 (failure to immediately contain and clean up a spill or overfill of petroleum that is less than 25 gallons and to immediately notify the Director if the cleanup cannot be completed within 24 hours);

(y) 20 DCMR § 6201.4 (failure to report to the Director within 24 hours a petroleum release that is more than 25 gallons or that causes a sheen on any nearby surface water, and to begin corrective action, in accordance with 20 DCMR §§ 6203.9 through 6212); or

(z) 20 DCMR § 6201.5 (failure to immediately report any spill or overfill of a hazardous substance to the Director, the Fire Chief, and the D.C. Office of Emergency Management, immediately contain and clean up the spill or overfill, and begin corrective action in accordance with 20 DCMR §§ 6203.9 through 6212 if the cleanup cannot be completed within 24 hours).

4008.3 In addition to §§ 4008.1, 4008.2, and 4008.4, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 6201.6 (failure to report to the National Response Center and begin corrective action in accordance with 20 DCMR §§ 6202 through 6212, where a spill or overfill of a hazardous substance results in release to the environment that equals or exceeds its reportable quantity under CERCLA (40 C.F.R. Part 302));

(b) 20 DCMR § 6202.1 (failure to notify the Director within 24 hours of a suspected release from an UST);

(c) 20 DCMR § 6202.3 (failure to notify UST owner or operator immediately and the Director within 24 hours if a release is known or if reason exists to know of or suspect a release from an UST);

(d) 20 DCMR § 6202.5 (knowingly allowing a release from an UST system to continue);

(e) 20 DCMR § 6202.6 (failure to timely report to the Director and to follow procedures in 20 DCMR § 6203 for any of the conditions specified);

(f) 20 DCMR § 6202.7 (failure to immediately investigate, conduct initial abatement, and confirm release to the Director within seven days of suspected release);

(g) 20 DCMR § 6203.1 (failure to conduct systems tests in accordance with tightness testing requirements of 20 DCMR §§ 6007 and 6013.3 when a release is suspected);

(h) 20 DCMR § 6203.2 (failure to repair, replace, or upgrade an UST system and begin corrective action in accordance with 20 DCMR §§ 6203.9 through 6212 if test results indicate a release has occurred);

(i) 20 DCMR § 6203.3 (failure to conduct a site investigation as set forth in 20 DCMR §§ 6203.4 through 6203.6 if a release exists or is suspected based on test results or on visual or analytical data of environmental contamination);

(j) 20 DCMR § 6203.4 (failure to test for a release where contamination is most likely to be present at an UST site);

(k) 20 DCMR § 6203.7 (failure to perform specified initial response actions upon confirmation of a release);

(l) 20 DCMR § 6203.9 (failure to take specified initial abatement actions);

(m) 20 DCMR § 6203.10 (failure to remedy hazards posed by excavated or exposed contaminated soils and comply with all applicable laws and regulations if remedies include treatment or disposal of soils);

(n) 20 DCMR § 6203.12 (failure to determine whether free product is present and begin free product removal as soon as practicable, in accordance with 20 DCMR § 6204);

(o) 20 DCMR § 6203.13 (failure to achieve upper concentration limits for benzene in groundwater);

(p) 20 DCMR § 6204.1 (failure to remove measurable free product to the maximum extent practicable in accordance with schedule approved by the Director);

(q) 20 DCMR § 6204.2 (failure to remove free product in a manner that minimizes the spread of contamination by using appropriate recovery techniques);

(r) 20 DCMR § 6204.3 (failure to recover and dispose of free product in a manner that properly treats, discharges, recycles, or disposes of recovery byproducts in compliance with all applicable laws and regulations);

(s) 20 DCMR § 6204.5 (failure to ensure that flammable substances are handled in a manner that will prevent fire and explosion);

(t) 20 DCMR § 6205.1 (failure to submit a Comprehensive Site Assessment in a form satisfactory to the Director within 60 days of submission of a work plan);

(u) 20 DCMR § 6205.2 (failure to perform Comprehensive Site Assessment in the time and manner set forth in 20 DCMR § 6205);

(v) 20 DCMR § 6206.2 (failure to comply with specified requirements before initiating a risk-based decision-making process);

(w) 20 DCMR § 6207.1 (failure to submit a Corrective Action Plan required by Director, according to a schedule and format established by the Director);

(x) 20 DCMR § 6207.2 (failure to submit and modify as necessary a Corrective Action Plan that provides for adequate protection of human health and the environment);

(y) 20 DCMR § 6207.3 (failure of Corrective Action Plan to propose corrective action option as specified); or

(z) 20 DCMR § 6207.4 (failure of Corrective Action Plan to provide for proper disposal of contaminated soils and to prohibit placement of contaminated soils back into the ground).

4008.4 In addition to §§ 4008.1, 4008.2, and 4008.3, violation of any of the following provisions shall be a Class 1 infraction:

(a) 20 DCMR § 6207.5 (failure to prepare, prior to any site activities, a site-specific QA/QC Plan that covers all actions proposed in the Corrective Action Plan and complies with guidelines of the Department);

(b) 20 DCMR § 6207.6 (failure to prepare site-specific Health and Safety Plan that addresses all applicable federal OSHA regulations, in conjunction with the Corrective Action Plan);

(c) 20 DCMR § 6207.9 (beginning soil and groundwater remediation prior to approval of Corrective Action Plan without meeting specified requirements for doing so);

(d) 20 DCMR § 6207.10 (beginning implementation of Corrective Action Plan prior to approval of plan without meeting specified requirements for doing so);

(e) 20 DCMR § 6207.11 (failure to begin implementation of approved Corrective Action Plan within 30 days or other period approved by Director);

(f) 20 DCMR § 6207.14 (implementing modifications to the Corrective Action Plan which have not been approved by the Director);

(g) 20 DCMR § 6207.15 (failure to take additional corrective action responses as required by Director);

(h) 20 DCMR § 6300.1 (failure to provide entry to the Director as provided in 20 DCMR § 6300); or

(i) 20 DCMR § 6301.5 (failure to cooperate fully with inspections, monitoring, or testing conducted by the Director, as well as requests for document submission, testing, or monitoring).

4008.5 In addition to §§ 4008.6, 4008.7, 4008.8, 4008.9, and 4008.10, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 5600.1 (failure to submit required UST notification);

(b) 20 DCMR § 5600.2 (failure to properly complete required UST notification form);

(c) 20 DCMR § 5600.3 (failure to deliver UST notification form within time prescribed and to include required information with form);

(d) 20 DCMR § 5600.4 (failure to file timely notification form for heating oil tank);

(e) 20 DCMR § 5600.7 (failure to sign UST notification form and certify compliance with specified requirements);

(f) 20 DCMR § 5600.9 (failure to timely file a new notification form following purchase of existing UST);

(g) 20 DCMR § 5600.10 (failure to provide timely notification following discovery of previously unknown UST);

(h) 20 DCMR § 5600.11 (failure to inform UST owner or lessee of notification requirements of 20 DCMR § 5600);

(i) 20 DCMR § 5600.12 (failure to file timely amended notification form and other required information);

(j) 20 DCMR § 5600.13 (failure to ensure proper certification of compliance with requirements of 20 DCMR § 5801 for upgrade or modification of UST system);

(k) 20 DCMR § 5600.14 (failure to file timely closure notification form following permanent closure of an UST system by removal or abandonment);

(l) 20 DCMR § 5601.12 (depositing a regulated substance into an UST without first confirming that current registration certificate is present at facility and that facility is not on prohibited delivery list);

(m) 20 DCMR § 5601.13 (dispensing or permitting dispensing of regulated substance from an UST that has not satisfied registration requirements);

(n) 20 DCMR § 5603.1 (failure to provide required advance written notice of each installation, removal, abandonment, repair, or upgrade of an UST system);

(o) 20 DCMR § 5603.2 (failure to provide notice of the exact time and date of the installation, removal, abandonment, repair, or upgrade of an UST system at least 24 hours in advance to schedule site inspection);

(p) 20 DCMR § 5603.3 (failure to provide timely notice of emergency removal or repair to Director and Fire Chief);

(q) 20 DCMR § 5603.4 (failure to timely submit and obtain approval for plans, design, and specifications for installation or upgrade of an UST system);

(r) 20 DCMR § 5603.7 (failure to timely provide required notice of tank tightness test to Fire Chief in cases of suspected release);

(s) 20 DCMR § 5604.1 (failure to timely provide required notice of the existence or removal of any UST to prospective buyer of real property);

(t) 20 DCMR § 5604.2 (failure to inform prospective buyers of commercial property of prior use of property that suggests the existence of an UST of which the seller has actual knowledge);

(u) 20 DCMR § 5606.2 (third party inspector having a financial interest in the facility or UST system);

(v) 20 DCMR § 5700.7 (failure of each UST system located within 100 feet of a subsurface transit structure to meet the requirements of the BOCA National Fire Prevention Code, the Fire Prevention Code, and the National Fire Protection Association 130);

(w) 20 DCMR § 5700.9 (failure of UST to be properly designed, constructed, and protected from corrosion as specified);

(x) 20 DCMR § 5701.3 (failure to operate and maintain cathodic protection system in new petroleum UST, in accordance with 20 DCMR § 5901);

(y) 20 DCMR § 5701.4 (failure to meet requirements for design, construction, and installation of secondary containment systems in a new petroleum UST); or

(z) 20 DCMR § 5701.5 (failure to meet requirements for design, construction, and installation of double-walled tanks in a new petroleum UST.

4008.6 In addition to §§ 4008.5, 4008.7, 4008.8, 4008.9, and 4008.10, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 5701.6 (failure to meet requirements for design, construction, and installation of external liner systems (including vaults) in a new petroleum UST);

(b) 20 DCMR § 5702.3 (failure to operate and maintain each cathodic protection system in a hazardous substance UST system, in accordance with 20 DCMR § 5901);

(c) 20 DCMR § 5702.4 (failure to meet requirements for design, construction, and installation of double-walled tanks in a new hazardous substance UST);

(d) 20 DCMR § 5703.3 (failure to operate and maintain each cathodic protection system in a new heating oil UST system, in accordance with 20 DCMR § 5901);

(e) 20 DCMR § 5703.4 (failure to meet requirements for design, construction, and installation of secondary containment systems in a new heating oil UST system);

(f) 20 DCMR § 5703.5 (failure to meet requirements for design, construction, and installation of double-walled tanks in a new heating oil UST system);

(g) 20 DCMR § 5703.6 (failure to meet requirements for design, construction, and installation of external liner systems (including vaults) in a new heating oil UST system);

(h) 20 DCMR § 5704.1 (failure of UST piping that is in contact with earthen materials to be designed, constructed, and protected from corrosion as specified);

(i) 20 DCMR § 5704.4 (failure to operate and maintain cathodic protection system in UST piping, in accordance with 20 DCMR § 5901);

(j) 20 DCMR § 5704.5 (failure to meet requirements for design and construction of secondary containment systems in UST piping as set forth in 20 DCMR § 5701.4);

(k) 20 DCMR § 5705.2 (failure of spill prevention equipment to have a minimum capacity of five gallons);

(l) 20 DCMR § 5705.3 (failure to use overfill prevention equipment that meets specified requirements);

(m) 20 DCMR § 5705.4 (failure to use an automatic shutoff valve to comply with 20 DCMR § 5705.3 in tanks that are susceptible to over-pressurization);

(n) 20 DCMR § 5706.1 (failure to install an UST system as specified);

(o) 20 DCMR § 5706.2 (failure to ensure that each UST is installed by an UST System Technician as set forth in 20 DCMR Chapter 65);

(p) 20 DCMR § 5706.3 (failure to complete all work listed in the manufacturer's installation checklist for each UST installation);

(q) 20 DCMR § 5706.4 (failure to obtain inspection and approval by the Director prior to placement of backfill for completion of installation);

(r) 20 DCMR § 5706.5 (failure to perform a precision test upon installation of an UST system prior to its use);

(s) 20 DCMR § 5802.1 (failure to cathodically protect metal piping that is in contact with earthen materials, in accordance with code of practice);

(t) 20 DCMR § 5802.2 (failure to cathodically protect metal piping that is in contact with earthen materials, in accordance with requirements of 20 DCMR § 5704.3(a) or (b) and 20 DCMR § 5704.4);

(u) 20 DCMR § 5802.3 (failure to replace metal piping that is in contact with earthen materials that does not meet the requirements of 20 DCMR §§ 5802.1 or 5802.2, with new piping that satisfies the requirements of 20 DCMR § 5704);

(v) 20 DCMR § 5804.1 (failure to perform a tank tightness test as set forth in 20 DCMR § 6007 upon completion of an UST system upgrade and prior to placing the UST system in operation);

(w) 20 DCMR § 5900.1 (failure to ensure that releases due to spilling or overfilling do not occur and to follow code of practice);

(x) 20 DCMR § 5900.2 (failure to ensure that the available tank volume is greater than the volume of product to be transferred to the tank before each transfer is made);

(y) 20 DCMR § 5900.3 (failure to ensure that each transfer operation is monitored constantly to prevent overfilling or spilling and is performed in accordance with the UST manufacturer's specifications); or

(z) 20 DCMR § 5900.4 (failure to hold delivery nozzles open manually where product is transferred by means of pressurized delivery).

4008.7 In addition to §§ 4008.5, 4008.6, 4008.8, 4008.9, and 4008.10, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 5900.5 (failure to install a vent alarm device on accessible tanks where product is transferred by means of pressurized delivery);

(b) 20 DCMR § 5900.6 (failure to discontinue delivery where vent alarm indicates an obstruction to the vent);

(c) 20 DCMR § 5900.7 (failure to keep spill prevention equipment clean and dry);

(d) 20 DCMR § 5900.8 (failure to ensure that all fill lines for the UST system are clearly marked to indicate the size of tank and type of regulated substance in accordance with specified methods);

(e) 20 DCMR § 5900.9 (marking pipes or other openings in a way that could be associated with a regulated substance if they are not used for the transfer of that substance);

(f) 20 DCMR § 5901.1 (failure of a steel tank UST system or a steel-fiberglass-reinforced plastic composite UST system with corrosion protection to comply with requirements of 20 DCMR § 5901);

(g) 20 DCMR § 5901.2 (failure to follow code of practice in complying with tank corrosion protection requirements);

(h) 20 DCMR § 5901.3 (failure to operate and maintain each corrosion protection system to continuously provide corrosion protection);

(i) 20 DCMR § 5901.4 (failure to have cathodic protection system inspected by a qualified cathodic protection tester within six months of installation and every three years thereafter);

(j) 20 DCMR § 5901.5 (failure to conduct cathodic protection testing in accordance with criteria set forth in a code of practice);

(k) 20 DCMR § 5901.6 (failure to inspect UST system with an impressed current cathodic protection system every 60 days);

(l) 20 DCMR § 5901.7 (failure to maintain specified operational records of cathodic protection for an UST system, in accordance with 20 DCMR § 5602);

(m) 20 DCMR § 5902.1 (failure to ensure that repairs to an UST system are made using the proper materials and techniques and that repairs will prevent releases);

(n) 20 DCMR § 5902.2 (failure to follow a code of practice in complying with repair or replacement requirements for an UST system);

(o) 20 DCMR § 5902.5 (failure to replace metal pipe sections or fittings that have released a regulated substance or that constitute a threat of release, in accordance with 20 DCMR § 5704);

(p) 20 DCMR § 5902.6 (failure to replace fiberglass pipe sections and fittings that have released a regulated substance or that constitute a threat of release, in accordance with 20 DCMR § 5704 and manufacturer's specifications);

(q) 20 DCMR § 5902.7 (failure to replace flexible pipes that have released a regulated substance or that constitute a threat of release, in accordance with 20 DCMR § 5704 and manufacturer's specifications);

(r) 20 DCMR § 5902.8 (failure to test repaired tank and piping for tightness, in accordance with 20 DCMR §§ 6007 and 6013.3, upon completing repair prior to being placed back in service);

(s) 20 DCMR § 5902.9 (failure to test the cathodic protection system in accordance with 20 DCMR §§ 5901.4 through 5901.6 within six months following repair);

(t) 20 DCMR § 5902.10 (failure to maintain repair records for the remaining operating life of repaired UST);

(u) 20 DCMR § 5902.11 (failure to ensure that an UST system repair is carried out by a certified UST System Technician);

(v) 20 DCMR § 5903.1 (failure to use an UST system that is made of or lined with materials that are compatible with the substance stored in the UST system);

(w) 20 DCMR § 6000.4 (failure to complete closure requirements of 20 DCMR Chapter 61 when release detection method in compliance with 20 DCMR Chapter 60 cannot be applied);

(x) 20 DCMR § 6000.13 (failure to notify Director within 24 hours and to comply with temporary closure requirements of 20 DCMR § 6100 if release detection system is not repaired or replaced within 45-day period);

(y) 20 DCMR § 6002.3 (failure to check secondary containment systems for evidence of a release at least every 30 days); or

(z) 20 DCMR § 6002.5 (failure to obtain approval for alternate release detection method prior to installation or operation of new UST system).

4008.8 In addition to §§ 4008.5, 4008.6, 4008.7, 4008.9, and 4008.10, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 6003.3 (failure to monitor tanks for releases at least once every 30 days using specified methods);

(b) 20 DCMR § 6003.5 (failure to construct a new or replaced UST system to include secondary containment and interstitial monitoring, in accordance with 20 DCMR §§ 5701.4, 5701.5, and 5701.6);

(c) 20 DCMR § 6004.1 (failure to regularly monitor petroleum UST system underground piping, in accordance with 20 DCMR § 6004);

(d) 20 DCMR § 6004.4 (use of automatic line leak detectors that do not meet specified standard or failure to conduct an annual test of the operation of the leak detector in accordance with the manufacturer's requirements);

(e) 20 DCMR § 6004.5 (failure to perform an annual line tightness test for underground piping that conveys regulated substances under pressure, in accordance with 20 DCMR § 6004.7, or to conduct monthly monitoring of piping, in accordance with 20 DCMR § 6004.9);

(f) 20 DCMR § 6004.6 (failure to perform a line tightness test every three years for underground piping that conveys regulated substances under suction, in accordance with 20 DCMR § 6004.7, or to conduct monthly monitoring of piping, in accordance with 20 DCMR § 6004.9);

(g) 20 DCMR § 6004.10 (failure to check secondary containment systems on underground piping installed or replaced after February 8, 2007, for evidence of a release at least every 30 days using interstitial monitoring);

(h) 20 DCMR § 6005.1 (failure to conduct Inventory Control [Statistical Inventory Reconciliation (SIR)] monthly);

(i) 20 DCMR § 6005.6 (failure to measure water level at the bottom of the tank once each month to the nearest one-eighth inch);

(j) 20 DCMR § 6006.2 (failure to conduct manual tank gauging, in accordance with 20 DCMR § 6006);

(k) 20 DCMR § 6006.5 (failure to follow requirements of 20 DCMR Chapter 62 following specified variation in liquid level measurements);

(l) 20 DCMR § 6007.2 (failure to conduct a tightness test to satisfy the installation, upgrade, and repair requirements set forth in 20 DCMR Chapters 57, 58, and 59 before the operation of UST system);

(m) 20 DCMR § 6100.2 (failure to comply with the requirements of 20 DCMR § 6100 when an UST system is temporarily closed);

(n) 20 DCMR § 6100.5 (failure to continue operation and maintenance of corrosion protection in accordance with 20 DCMR § 5901 and release detection in accordance with 20 DCMR Chapter 60 during temporary closure of UST system);

(o) 20 DCMR § 6100.7 (failure to empty UST system, open vent lines, and cap and secure all other lines, pumps, manways and ancillary equipment within 90 days after an UST system is temporarily closed);

(p) 20 DCMR § 6100.7(d) (failure to submit required contractor certification form after completing requirements for temporary closure of an UST system);

(q) 20 DCMR § 6101.1 (failure to comply with 20 DCMR § 6101 when an UST system is permanently closed or undergoes a change-in-service);

(r) 20 DCMR § 6101.2 (failure to properly empty and clean the tank prior to each change-in-service);

(s) 20 DCMR § 6101.3 (failure to submit UST/LUST Activity Notification form not less than two weeks before beginning either a permanent closure or a change-in-service);

(t) 20 DCMR § 6101.4 (failure to follow a code of practice when complying with requirements for permanent closure or change-in-service);

(u) 20 DCMR § 6101.5 (failure to properly empty and clean UST system prior to removing it from the ground);

(v) 20 DCMR § 6101.6 (failure to provide proper notice of an UST system that is to be closed permanently and to then remove UST from the ground);

(w) 20 DCMR § 6101.9 (failure to conduct Closure Assessment of the excavation zone prior to permanent closure or a change-of-service of an UST system);

(x) 20 DCMR § 6101.10 (failure to consider specified factors when selecting sample types, sample locations, and measurement methods for the Closure Assessment and to comply with other requirements of the Director for number of samples or location of borings or wells);

(y) 20 DCMR § 6101.15 (failure to evaluate the UST system and excavation zone for permanent closure at specified excavation depths and screening levels in the case of a release of a regulated substance); or

(z) 20 DCMR § 6101.16 (failure to submit a Closure Assessment Report, including a closure notification form within 30 days after completing the permanent closure or change-in-service activities).

4008.9 In addition to §§ 4008.5, 4008.6, 4008.7, 4008.8, and 4008.10, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 6102 (failure to properly assess the excavation zone and close an UST system that was previously abandoned, removed, or permanently closed, as directed);

(b) 20 DCMR § 6202.4 (failure to include required information in notification of release or suspected release);

(c) 20 DCMR § 6203.5 (failure to consider appropriate selection factors and to comply with Departmental directives and protocols for sample types, sample locations, and measurement methods);

(d) 20 DCMR § 6203.11 (failure to conduct Initial Site Assessment to evaluate on-site conditions in accordance with specified requirements and any applicable protocols of the Department);

(e) 20 DCMR § 6205.3 (failure to conduct site assessment activities in accordance with an appropriate Health and Safety Plan and make plan available for inspection);

(f) 20 DCMR § 6207.12 (failure to provide the Director with an opportunity to inspect the site prior to implementation of the Corrective Action Plan);

(g) 20 DCMR § 6211.7 (failure to remove all equipment and ensure that all wells are properly abandoned following notice of no further action or case closure);

(h) 20 DCMR § 6301.6 (failure to submit records, documents, or other information within 20 days of a request, or other time frame specified by the Director);

(i) 20 DCMR § 6500.1 (failure to ensure that an UST system or any component of an UST system is installed under continuous on-site supervision of a certified and licensed UST System Technician);

(j) 20 DCMR § 6500.2 (failure to ensure that an UST system is abandoned or removed under the continuous on-site supervision of a certified and licensed UST System Technician or UST Closure Specialist);

(k) 20 DCMR § 6500.3 (failure to ensure that tightness test is conducted under the continuous on-site supervision of a certified and licensed UST System Tester);

(l) 20 DCMR § 6500.4 (failure of business that provides services for UST system installation, upgrade, retrofit, repair, or permanent closure to be certified and licensed to perform UST activities);

(m) 20 DCMR § 6500.5 (failure of an UST System Technician, UST Closure Specialist, or UST System Tester to be certified and licensed to perform UST system activities);

(n) 20 DCMR § 6500.8 (transferring an UST system certification or license);

(o) 20 DCMR § 6502.1 (failure to designate at least one Class A, one Class B, and one Class C operator for each active UST facility);

(p) 20 DCMR § 6502.2 (dispensing or storing a regulated substance when Class A, B, and C operators have not been designated and trained as required by 20 DCMR § 6502);

(q) 20 DCMR § 6502.3 (failure of trained operators to be readily available to respond to suspected or confirmed releases, other unusual operating conditions, emergencies, or equipment failures);

(r) 20 DCMR § 6502.4 (failure to prominently display at the facility emergency contact information and emergency procedures for users of unmanned facilities);

(s) 20 DCMR § 6502.5 (failure of designated operators to successfully complete initial training required by 20 DCMR § 6502 by August 8, 2012);

(t) 20 DCMR § 6502.7 (failure of Class A and Class B operators for a petroleum UST system to complete required re-training within 60 days of being notified that an UST system is out of compliance);

(u) 20 DCMR § 6502.13 (failure to provide required training and annual briefings to Class C operators);

(v) 20 DCMR § 6502.16 (failure of an owner to ensure that all Class A, B, and C operators are trained no later than August 8, 2012);

(w) 20 DCMR § 6502.17 (failure to train a replacement Class A or B operator within 30 days of the operator assuming duties);

(x) 20 DCMR § 6502.18 (failure to train Class C operators prior to assuming duties as a Class C operator);

(y) 20 DCMR § 6502.20 (failure to keep on-site and readily available for inspection, certificates of training for Class A and B operators, required facility list of designated operators, and Class C operator instructions or procedures); or

(z) 20 DCMR § 6502.21 (failure to conspicuously post required Class C operator and owner contact information at unmanned facilities).

4008.10 In addition to §§ 4008.5, 4008.6, 4008.7, 4008.8, and 4008.9, violation of any of the following provisions shall be a Class 2 infraction:

(a) 20 DCMR § 6503.1 (failure of training providers to obtain written approval from the Director prior to delivering training courses for Class A and B Operators);

(b) 20 DCMR § 6700.8 (failure to immediately file a Certification of Financial Responsibility for an existing UST);

(c) 20 DCMR § 6700.9 (failure to file a Certification of Financial Responsibility with the Director within 30 days after installation of a new UST);

(d) 20 DCMR § 6700.10 (failure to demonstrate minimum required per-occurrence amount of financial responsibility for specified petroleum USTs);

(e) 20 DCMR § 6700.11 (failure to demonstrate minimum required per-occurrence amount of financial responsibility for petroleum USTs not covered by 20 DCMR § 6700.10);

(f) 20 DCMR § 6700.12 (failure to demonstrate minimum required annual aggregate amount of financial responsibility);

(g) 20 DCMR § 6700.16 (failure to meet new financial responsibility requirements on anniversary of effective date of financial responsibility mechanism, following acquisition or installation of additional USTs);

(h) 20 DCMR § 6701.1 (failure to utilize mechanism(s) listed in 20 DCMR §§ 6703 through 6711 to demonstrate financial responsibility);

(i) 20 DCMR § 6701.7 (failure to obtain alternate assurance of financial responsibility within 30 days after the owner receives notice of any condition set forth in 20 DCMR § 6701.7(a)-(d));

(j) 20 DCMR § 6702.8 (failure to submit current evidence of financial responsibility within 30 days after identifying an UST release required to be reported under 20 DCMR §§ 6201 or 6204);

(k) 20 DCMR § 6702.9 (failure to submit current evidence of financial responsibility within 30 days after receiving notice of the incapacity of a provider of assurance under 20 DCMR § 6701.7);

(l) 20 DCMR § 6702.11 (failure to submit evidence of financial assurance or other relevant information as required by Director);

(m) 20 DCMR § 6703.4 (failure to obtain alternative coverage within specified time period when no longer meeting requirements of financial tests of self-insurance set forth in 20 DCMR §§ 6704 or 6705);

(n) 20 DCMR § 6703.5 (failure to provide reports of financial condition as required by Director or failure to timely obtain alternate coverage following notification by Director);

(o) 20 DCMR § 6703.6 (failure to notify the Director of the failure to timely obtain alternate assurance as required under 20 DCMR §§ 6703.4 or 6703.5);

(p) 20 DCMR § 6706.1 (failure to comply with criteria in 20 DCMR § 6706 when obtaining a guarantee to meet financial responsibility requirements of 20 DCMR § 6700);

(q) 20 DCMR § 6707.1 (failure to comply with requirements of 20 DCMR § 6707 when obtaining liability insurance to meet financial responsibility requirements of 20 DCMR § 6700);

(r) 20 DCMR § 6708.1 (failure to comply with requirements of 20 DCMR § 6708 when obtaining a surety or performance bond to meet financial responsibility requirements of 20 DCMR § 6700);

(s) 20 DCMR § 6709.1 (failure to comply with requirements of 20 DCMR § 6709 when obtaining a letter of credit to meet financial responsibility requirements of 20 DCMR § 6700);

(t) 20 DCMR § 6710.1 (failure to comply with requirements of 20 DCMR § 6710 when establishing a trust fund to meet financial responsibility requirements of 20 DCMR § 6700);

(u) 20 DCMR § 6714.4 (failure to send a copy of each notice of cancellation or termination of financial assurance to the Director at the same time that notice is sent to the owner);

(v) 20 DCMR § 6714.5 (failure to obtain alternative financial assurance coverage within 60 days after receipt of notice of cancellation or non-renewal of financial assurance);

(w) 20 DCMR § 6714.6 (failure to submit notification and required information following the failure to obtain alternate coverage within 60 days after receipt of a notice of termination);

(x) 20 DCMR § 6715.1 (failure to provide proper and timely notification of commencement of bankruptcy proceedings and to submit appropriate forms listed in 20 DCMR §§ 6702.4 through 6702.7 documenting financial responsibility);

(y) 20 DCMR § 6715.4 (failure to obtain alternate financial assurance in accordance with 20 DCMR Chapter 67 within 30 days after receiving notice of the bankruptcy, incapacity, or suspension or revocation of authority of provider of financial assurance); or

(z) 20 DCMR § 6715.5 (failure to provide notification of failure to obtain alternate coverage within 30 days after notification of bankruptcy or incapacity).

4008.11 In addition to §§ 4008.12, 4008.13, and 4008.14, violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 5601.2 (failure to register an UST and pay required fee);

(b) 20 DCMR § 5601.3 (failure to register an UST and pay required fee before deposit of regulated substance);

(c) 20 DCMR § 5601.4 (failure to register a heating oil tank with a capacity of 1,100 gallons or greater);

(d) 20 DCMR § 5601.5 (failure to initiate the registration process and pay the required registration fee within the time specified in the invoice);

(e) 20 DCMR § 5601.10 (failure to renew an UST registration);

(f) 20 DCMR § 5601.15 (failure of seller of UST to provide required notifications);

(g) 20 DCMR § 5602.4 (failure to maintain specified records and information for each UST facility, in accordance with 20 DCMR Chapter 56);

(h) 20 DCMR § 5602.5 (failure to maintain specified records for required period and have records immediately available for inspection);

(i) 20 DCMR § 5602.6 (failure to have specified records available for inspection);

(j) 20 DCMR § 5602.7 (failure to deliver permanent closure records as approved by Director);

(k) 20 DCMR § 5602.8 (failure to maintain records for required period);

(l) 20 DCMR § 5603.6 (failure to provide notice at least twenty-four hours in advance of the time and date of any tank tightness test);

(m) 20 DCMR § 5706.6 (failure to ensure that UST System Technician completes certification of compliance on UST notification form);

(n) 20 DCMR § 5801.1 (failure to upgrade steel tanks in accordance with requirements of 20 DCMR Chapter 58 and with manufacturer's specifications or established procedures and practices);

(o) 20 DCMR § 5801.2 (failure to comply with specified requirements for upgrading an UST by internal lining);

(p) 20 DCMR § 5801.3 (failure to inspect the interior of a lined tank within 10 years after lining or every five years thereafter, in order to ensure the lining is structurally sound, free of corrosion holes, and performing in accordance with original design specifications);

(q) 20 DCMR § 5801.5 (upgrading a tank by cathodic protection without meeting the requirements of 20 DCMR § 5701.2 (a) or (b) and § 5701.3, and without following specified methods for ensuring the integrity of the tank);

(r) 20 DCMR § 5801.6 (upgrading a tank by both internal lining and cathodic protection without meeting the requirements of 20 DCMR § 5902, § 5701.2 (a) or (b), and § 5701.4);

(s) 20 DCMR § 5902.12 (failure to ensure that certified UST System Technician completes certification of compliance on UST Notification form);

(t) 20 DCMR § 6000.7 (failure to install, calibrate, operate, and maintain each release detection system in accordance with the manufacturer's instructions);

(u) 20 DCMR § 6000.9 (failure of performance claim for a release detection system to be in writing and to describe how claim was derived or tested);

(v) 20 DCMR § 6001.1 (failure to properly maintain records demonstrating compliance with 20 DCMR Chapter 60);

(w) 20 DCMR § 6001.2 (failure to maintain for at least 10 years written performance claims for release detection systems);

(x) 20 DCMR § 6001.3 (failure to maintain for at least three years the results of any sampling, testing, or monitoring of an UST system);

(y) 20 DCMR § 6001.4 (failure to retain results of tank tightness testing until the next test of the UST system); or

(z) 20 DCMR § 6001.5 (failure to maintain written documentation of all calibration, maintenance, and repair of release detection equipment for at least three years).

4008.12 In addition to §§ 4008.11, 4008.13, and 4008.14, violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 6001.6 (failure to retain for at least 10 years all schedules of required calibration and maintenance provided by the release detection equipment manufacturer);

(b) 20 DCMR § 6005.2 (failure to evaluate the accuracy of the selected Statistical Inventory Reconciliation (SIR) method and maintain evaluation records for 10 years);

(c) 20 DCMR § 6005.3 (failure to use equipment capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch);

(d) 20 DCMR § 6005.4 (failure to make each delivery through a drop tube that extends to within six inches of the tank bottom);

(e) 20 DCMR § 6005.5 (failure to meter or record the dispensing of regulated substances according to specified standards);

(f) 20 DCMR § 6006.3 (failure to properly take tank liquid level measurements and record measurements on approved form);

(g) 20 DCMR § 6006.4 (failure to use proper manual tank gauging equipment);

(h) 20 DCMR § 6007.1 (failure to use a tank tightness test that meets specified requirements);

(i) 20 DCMR § 6008.1 (failure to use automatic tank gauging equipment that meets requirements of 20 DCMR § 6008);

(j) 20 DCMR § 6008.2 (failure to ensure proper installation of tank-gauging probe);

(k) 20 DCMR § 6008.3 (failure to use automatic product level monitor test that meets specified requirements);

(l) 20 DCMR § 6008.4 (failure to install tanks horizontally without tank tilt if automatic tank gauging is used);

(m) 20 DCMR § 6009.2 (failure to assess the excavation zone to ensure compliance with 20 DCMR § 6009);

(n) 20 DCMR § 6009.3 (failure to use proper backfill materials);

(o) 20 DCMR § 6009.4 (failure of stored regulated substance or tracer compound to have sufficient volatility);

(p) 20 DCMR § 6009.5 (vapor measurement rendered inoperative or reduced in effectiveness due to ground water, rainfall, soil moisture, or other known interference);

(q) 20 DCMR § 6009.6 (background contamination in the excavation zone interfering with the vapor monitoring method);

(r) 20 DCMR § 6009.7 (failure to use vapor monitor that is properly designed and operated);

(s) 20 DCMR § 6009.8 (failure to assess the excavation zone as required before using vapor monitoring);

(t) 20 DCMR § 6009.9 (failure to clearly and properly mark and secure monitoring wells);

(u) 20 DCMR § 6010.1 (failure to test and monitor for regulated substances on the ground water or in the tank excavation zone, in accordance with 20 DCMR § 6010);

(v) 20 DCMR § 6010.2 (failure of the regulated substance stored to be immiscible in water and have a specific gravity of less than one);

(w) 20 DCMR § 6010.3 (ground water more than 20 feet from the ground surface or hydraulic conductivity of the soils less than 0.01 cm/sec if testing or monitoring for regulated substances on ground water);

(x) 20 DCMR § 6010.4 (failure to design slotted portion of monitoring well casing to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well);

(y) 20 DCMR § 6010.5 (failure to seal monitoring wells from the ground surface to the top of the filter pack); or

(z) 20 DCMR § 6010.6 (failure of monitoring wells or devices to intercept the excavation zone or be as close to the excavation zone as is technically feasible).

4008.13 In addition to §§ 4008.11, 4008.12, and 4008.14, violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 6010.7 (failure to assess the excavation zone as required before using ground-water monitoring);

(b) 20 DCMR § 6010.8 (failure to use continuous monitoring devices or manual methods capable of detecting at least one eighth (1/8) inch of free regulated substance);

(c) 20 DCMR § 6010.9 (failure to clearly mark and secure each monitoring well to avoid unauthorized access or tampering);

(d) 20 DCMR § 6011.1 (improper use of interstitial monitoring);

(e) 20 DCMR § 6011.2 (failure to use sampling or testing method for a double-walled UST system capable of detecting a release through the inner wall);

(f) 20 DCMR § 6011.3 (failure to properly maintain the vacuum in vacuum monitoring, to report a suspected release, or to reinstitute a vacuum more than once every three months without prior approval);

(g) 20 DCMR § 6011.4 (failure to use an automated device capable of detecting a release between the inner wall and the internally fitted liner and to use a liner that is compatible with the substance stored);

(h) 20 DCMR § 6011.5 (failure of secondary barrier within the excavation zone to meet specified requirements);

(i) 20 DCMR § 6011.6 (failure to use sampling or testing method capable of detecting a release between the UST system and the secondary barrier within the excavation zone, or use of testing or sampling method that is rendered inoperative or reduced in effectiveness due to ground water, rainfall, soil moisture, or other known interference);

(j) 20 DCMR § 6011.7 (failure to assess the site for an UST system with a secondary barrier within the excavation zone to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain);

(k) 20 DCMR § 6011.8 (failure to clearly mark and secure monitoring wells for each UST system with a secondary barrier within the excavation zone to avoid unauthorized access or tampering);

(l) 20 DCMR § 6011.9 (failure to use interstitial monitoring to check for evidence of a release at least every 30 days on secondary containment systems on underground tanks or piping installed or replaced after February 8, 2007);

(m) 20 DCMR § 6012.4 (failure to comply with any conditions imposed on the use of an alternative method of release detection);

(n) 20 DCMR § 6100.4 (failure to submit amended Notification Form within seven days of the date an UST system is temporarily closed);

(o) 20 DCMR § 6100.8 (failure to begin procedures to permanently close an UST system in accordance with 20 DCMR § 6101 at the end of 12 months after an UST system is temporarily closed);

(p) 20 DCMR § 6101.8 (failure to empty, clean, and fill tank with an inert solid material and comply with 20 DCMR §§ 5600.14 and 6101 when a tank removal variance is granted);

(q) 20 DCMR § 6103.1 (failure to maintain records of compliance with closure requirements, in accordance with 20 DCMR § 5602);

(r) 20 DCMR § 6103.2 (failure to properly maintain Closure Assessment results for at least three years after completion of permanent closure or change-in-service);

(s) 20 DCMR § 6203.14 (failure to submit Initial Site Assessment report and any applicable monthly status report within 60 days after release confirmation or failure to submit a work plan for future site activities);

(t) 20 DCMR § 6204.6 (failure to prepare and submit a status report on the removal of any free product, commencing 45 days after release

confirmation and quarterly thereafter, in accordance with specified format and content requirements);

(u) 20 DCMR § 6207.13 (failure to monitor, evaluate, and timely report the results of Corrective Action Plan in a format established by Director);

(v) 20 DCMR § 6207.16 (failure to evaluate effectiveness of Corrective Action Plan or amendment at end of one year of implementation);

(w) 20 DCMR § 6211.2 (failure to maintain for at least three years all records and reports documenting the transport and disposal of wastes generated at an UST site while Corrective Action Plan is being carried out);

(x) 20 DCMR § 6404.6 (failure of contractors who perform corrective action to maintain records on a site-specific basis or to bill the District for activities performed on a site-specific basis in accordance with District procurement regulations or policies);

(y) 20 DCMR § 6500.6 (failure of business certified to perform UST system activities to provide list of employees who are not certified but who perform supervised on-site UST activities); or

(z) 20 DCMR § 6500.7 (failure of certified UST System Technician, Closure Specialist, or Tester to carry and make available for inspection the identification card or certificate issued by the Director at all times while conducting the applicable UST activity).

4008.14 In addition to §§ 4008.11, 4008.12, and 4008.13, violation of any of the following provisions shall be a Class 3 infraction:

(a) 20 DCMR § 6500.9 (failure to surrender certification or license to the Director within 10 business days after close or termination of a business);

(b) 20 DCMR § 6502.8 (failure of a Class A operator to meet all requirements or duties, as provided under 20 DCMR § 6502.8(a)-(c));

(c) 20 DCMR § 6502.9 (failure of a Class B operator to meet all requirements or duties, as provided under § 6502.9(a)-(c));

(d) 20 DCMR § 6502.10 (failure of a Class C operator to meet all requirements or duties, as provided under § 6502.10(a)-(b));

(e) 20 DCMR § 6502.19 (failure to maintain required list of designated operators);

(f) 20 DCMR § 6702.1 (failure to maintain a copy of each financial assurance mechanism until released from financial responsibility requirements under 20 DCMR §§ 6700.5 or 6700.6);

(g) 20 DCMR § 6702.2 (failure to make available to the Director upon request, records of financial assurance maintained off-site);

(h) 20 DCMR § 6702.3 (failure to maintain a copy of the appropriate assurance instrument in the prescribed form);

(i) 20 DCMR § 6702.4 (failure to maintain a copy of chief financial officer's letter of assurance when using a financial test of self-insurance or guarantee);

(j) 20 DCMR § 6702.5 (failure to maintain a copy of signed standby trust fund agreement when using a guarantee, surety bond, or letter of credit);

(k) 20 DCMR § 6702.6 (failure to maintain a copy of signed insurance policy or risk retention group coverage policy and endorsement or certificate or insurance);

(l) 20 DCMR § 6702.7 (failure to maintain and update copy of certification of financial responsibility in prescribed form);

(m) 20 DCMR § 6706.4 (failure to properly demonstrate to the owner within 120 days after the close of each financial reporting year that the guarantor meets the financial test criteria of 20 DCMR § 6703);

(n) 20 DCMR § 6706.5 (failure to timely notify the owner by certified mail before cancellation or non-renewal of the guarantee if the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year);

(o) 20 DCMR § 6706.6 (failure to timely notify owner by certified mail if guarantor no longer meets the requirements of the financial test of §§ 6704 or 6705 and 6703.3);

(p) 20 DCMR § 6711.1 (failure of an owner using any of the financial responsibility mechanisms authorized under 20 DCMR §§ 6706, 6708, or 6709 to establish a standby trust fund when the mechanism is acquired);

(q) 20 DCMR § 6711.2 (failure of a standby trust fund to have trustee with authority to act as a trustee and whose trust operations are regulated and examined by an agency of the federal government or the District of Columbia);

(r) 20 DCMR § 6711.3 (failure of standby trust agreement or trust agreement to be in the prescribed form and accompanied by certification of acknowledgement in the prescribed form);

(s) 20 DCMR § 6712.1 (failure to place funds in standby trust as required by the Director);

(t) 20 DCMR § 6712.2 (failure to place funds in standby trust as required by the Director);

(u) 20 DCMR § 6713.1 (failure to timely replenish the value of financial assurance or acquire another financial assurance mechanism if amount in a standby trust is reduced below full amount of coverage required);

(v) 20 DCMR § 6714.2 (termination of guarantee, surety bond, or letter of credit prior to 120 days following owner's receipt of notice of termination);

(w) 20 DCMR § 6714.3 (termination of insurance or risk retention group coverage prior to 60 days following owner's receipt of notice of termination or, in the case of non-payment of premiums or misrepresentation, prior to 10 days following owner or operator's receipt of notice of termination); or

(x) 20 DCMR § 6715.2 (failure of guarantor to provide proper and timely notification to owner of bankruptcy proceeding as required under terms of the guarantee specified in 20 DCMR § 6706).

4008.15 Violation of any of the following provisions shall be a Class 4 infraction:

(a) 20 DCMR § 5601.11 (failure to post a copy of the current UST registration certificate in a visible location at the facility at all times); or

(b) Violation of any provision of the District of Columbia Underground Tank Management Act of 1990, effective March 8, 1991, as amended (D.C. Law 8-242; D.C. Official Code §§ 8-113.01 to 8-113.12), or the District of Columbia Underground Storage Tank Regulations, 20 DCMR Chapters 55-67, which is not cited elsewhere in this section, shall be a Class 4 infraction.

Section 3644, WATER QUALITY INFRACTIONS, is repealed and replaced with a new Section 4009, WATER QUALITY INFRACTIONS, to read as follows:

4009 WATER QUALITY INFRACTIONS

4009.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 8-103.02 (discharging a pollutant to the waters of the District without a permit);

(b) D.C. Official Code § 8-103.07(d) (discharging oil, gasoline, anti-freeze, acid or other hazardous substance, pollutant or nuisance material into a public space in a quantity sufficient to constitute a hazard or nuisance);

(c) D.C. Official Code § 8-103.13(b) (constructing a treatment facility without prior approval);

(d) D.C. Official Code § 8-103.13a(a) (constructing a well without a permit);

(e) D.C. Official Code § 8.103.16(b)(1) (knowingly making a false statement in an application, record, report, plan, or other document maintained under the Water Pollution Control Act);

(f) 21 DCMR §§ 1401.1 or 1401.3 (harvesting, cutting, removing, or eradicating submerged aquatic vegetation without plan approval); or

(g) 21 DCMR § 1407.1 (using an herbicide or chemical to control submerged aquatic vegetation without approval).

4009.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) D.C. Official Code § 8.103.06(a) (discharging into a sewer material that is corrosive, flammable, explosive or may adversely affect the structure of a sewer line);

(b) D.C. Official Code § 8-103.06(b) (failure to comply with a permit or permit condition);

(c) D.C. Official Code § 8.103.07(e) (discharging used motor oil into a sewer);

(d) D.C. Official Code § 8.103.08(a)(1) (failure to notify the Mayor of a discharge of pollutant from a vessel or facility);

(e) D.C. Official Code § 8-103.13a(c) (failure to comply with procedure for abandoning a well); or

(f) D.C. Official Code § 8-103.15(b) (failure to allow an inspection or sampling related to the regulation of water quality; failure to allow an inspection or copying of a document required to be maintained).

4009.3 Violation of the following provision shall be a Class 3 infraction:

(a) D.C. Official Code § 8.103.06(m) (discharging sanitary sewage, wash or process water, oil laden bilge water, refuse or litter from a watercraft).

4009.4 Violation of any provisions of the Water Pollution Control Act of 1984, effective March 16, 1985, as amended (D.C. Law 5-188; D.C. Official Code §§ 8.103.01 to 8.103.20), which is not cited elsewhere in this section, shall be a Class 4 infraction.

Section 3646, SOIL EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT INFRACTIONS, is repealed and replaced with a new Section 4010, SOIL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT INFRACTIONS, to read as follows:

4010 SOIL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT INFRACTIONS

4010.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 21 DCMR § 504.1 (upon notice from the Department, failure to stop work identified);

(b) 21 DCMR § 504.5 (unauthorized removal of a posted stop work order);

(c) 21 DCMR § 504.6 (continuing work stopped by a Department order);

(d) 21 DCMR § 509.1 (failure to correct soil erosion occurring as the result of natural forces or past land-disturbing activities after an inspection and an order from the Department);

(e) 21 DCMR § 516.1 (failure to obtain a Department-approved stormwater management plan);

(f) 21 DCMR § 519.1(b) (failure to comply with the maintenance activities in a Department-approved stormwater management plan);

(g) 21 DCMR § 527.2 (failure to maintain or achieve the off-site retention volume);

(h) 21 DCMR § 528.1 (failure to conduct maintenance required by the stormwater management plan approved by the Department);

(i) 21 DCMR § 528.3 (failure to ensure that a best management practice or a land cover on a lot or parcel is maintained in good working order);

(j) 21 DCMR § 528.4 (converting natural land cover associated with a stormwater retention requirement to compacted or impervious land cover, resulting in the loss of retention capacity associated with the land conversion);

(k) 21 DCMR § 528.5 (converting compacted land associated with a stormwater retention requirement to impervious land cover, resulting in the loss of retention capacity associated with the land conversion);

(l) 21 DCMR § 531.3 (failure to maintain the retention capacity for a best management practice or land cover for the period of time for which the Department certified a Stormwater Retention Credit);

(m) 21 DCMR § 532.5(b) (failure to replace a certified Stormwater Retention Credit associated with a retention failure);

(n) 21 DCMR § 534.2 (failure to maintain the retention capacity for a best management practice or land cover for the period of time for which the Department certified the Stormwater Retention Credit);

(o) 21 DCMR § 532.5 (failure to replace a Stormwater Retention Credit (SRC) for which retention failure has occurred with another SRC or pay the in-lieu fee corresponding to the SRC);

(p) 21 DCMR § 540.1 (engaging in razing or land-disturbing activity, including stripping, clearing, grading, grubbing, excavating, and filling of land, without obtaining the Department's approval of a soil erosion and sediment control plan); or

(q) 21 DCMR § 540.5 (working outside the scope of the Department-approved soil erosion and sediment control plan).

4010.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 21 DCMR § 502.2 (failure to conduct all work in accordance with a Department-approved plan or approved plan change);

(b) 21 DCMR § 503.3 (changing a Department-approved plan or its implementation without Department approval);

(c) 21 DCMR § 503.6 (proceeding past a stage of construction without obtaining the required Department inspection and approval);

(d) 21 DCMR § 503.13 (upon notice from the Department, failure to promptly correct work that fails to comply with a Department-approved plan);

(e) 21 DCMR § 516.3(b) (failure to comply with the terms and conditions of the Department-approved stormwater management plan);

(f) 21 DCMR § 516.3(c) (failure to comply with the Department's orders and directions to achieve compliance with the Department-approved stormwater management plan);

(g) 21 DCMR § 516.5 (failure to comply with a Department-approved stormwater management plan);

(h) 21 DCMR § 518.12 (failure to submit a complete as-built stormwater management plan package within twenty-one (21) days of the Department's final construction inspection);

(i) 21 DCMR § 518.13 (failure to submit an as-built stormwater management plan or a Record Drawing for a project consisting entirely of work in the public right-of-way);

(j) 21 DCMR § 528.10 (using soil media removed from a best management practice receiving drainage from an area intended for use or storage of motor vehicles for planting or as fill material);

(k) 21 DCMR § 528.11 (failure to dispose non-vegetative waste material from cleaning, maintaining, repairing, or replacing a best management practice into a landfill or other facility approved for processing these materials);

(l) 21 DCMR § 533.3 (transferring ownership of a Stormwater Retention Credit without the Department's approval);

(m) 21 DCMR § 540.2 (engaging in a demolition project that results in debris, dust, or sediment leaving the site without instituting the necessary control measure(s));

(n) 21 DCMR § 540.3 (failure to apply each necessary control measure upon receiving instruction to do so by the Department after exposing erodible material and causing erosion);

(o) 21 DCMR § 542.12 (failure to request the Department's approval at the scheduled stage(s) of construction);

(p) 21 DCMR § 543.3 (failure to use adequate soil erosion and sediment control measures to prevent transportation of sediment from the site);

(q) 21 DCMR § 543.5 (failure to protect a best management practice from sedimentation and other damage during construction);

(r) 21 DCMR § 543.6 (failure to have adequate erosion and sediment control measures in place before and during land disturbance);

(s) 21 DCMR § 543.7 (failure to have soil erosion and sediment control measures in place to stabilize an exposed area as soon as practicable after construction activity has temporarily or permanently ceased);

(t) 21 DCMR § 543.9 (failure to implement measures to prevent the discharge of erodible material or waste material to District sewers or District waterbodies);

(u) 21 DCMR § 543.10(a) (failure to comply with a stormwater pollution prevention plan);

(v) 21 DCMR § 543.12 (except for the area undergoing construction, failure to stabilize area and install perimeter controls within one (1) week of initial land disturbance or redisturbance);

(w) 21 DCMR § 543.13 (failure to control runoff from the site by either diverting or conveying the runoff through areas with soil erosion and sediment control measures, such as through the installation of lined conveyance ditches, channels, or checkdams);

(x) 21 DCMR § 543.14 (failure to apply critical area stabilization to each cut and fill slope);

(y) 21 DCMR § 543.16(a) (failure to establish and maintain perimeter controls around the stockpile material that is actively being used during a phase of construction); or

(z) 21 DCMR § 543.16 (b) (failure to stabilize stockpiled material with mulch, temporary vegetation, hydro-seed, or plastic within fifteen (15) calendar days after last use or addition of material).

4010.3 In addition to § 4010.2, violation of any of the following provisions shall be a Class 2 infraction:

(a) 21 DCMR § 543.17 (failure to install required sediment traps or basins and other soil erosion and sediment controls);

(b) 21 DCMR § 543.18 (failure to seed and mulch or install a sod or a stabilization blanket immediately after building debris basins, diversions, waterways, or related structures);

(c) 21 DCMR § 543.19 (failure to install measures to minimize off-site vehicle tracking at the construction site access);

(d) 21 DCMR § 543.20 (failure to remove off-site accumulations of sediment);

(e) 21 DCMR § 543.21 (failure to maintain and prevent stabilized areas from becoming unstabilized);

(f) 21 DCMR § 545.2 (failure to install measures to achieve a non-eroding velocity for stormwater exiting from a roof or downspout or to temporarily pipe that stormwater directly to a storm drain);

(g) 21 DCMR § 545.3 (failure to maximize the preservation of natural vegetation and limit the removal of vegetation to that is necessary for construction or landscaping activity);

(h) 21 DCMR § 546.1(a) (exposing more than five hundred linear feet (500 ft) of open trench at any one time for land-disturbing activity that involves work on an underground utility);

(i) 21 DCMR § 546.1 (b) (failure to place all excavated material on the uphill side of a trench for land-disturbing activity that involves work on an underground utility);

(j) 21 DCMR § 546.1 (c) (failure to install interim or permanent stabilization upon completion of refilling for land-disturbing activity that involves work on an underground utility);

(k) 21 DCMR § 546.1 (d) (failure to use mulches and matting to minimize soil erosion when natural or artificial grass filter strips are used to collect sediment from excavated material for land-disturbing activity that involves work on an underground utility); or

(l) 21 DCMR § 547.1 (failure to ensure that a responsible person (as described in the chapter) is present or available if a site involves a land disturbance of five thousand square feet (5,000 ft^2) or more).

4010.4 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 21 DCMR § 502.4 (failure to notify the Department of a material change in the performance provided for in a Department-approved stormwater pollution prevention plan, including a material change in the volume of stormwater flowing into a best management practice (BMP), a shared BMP, or a land cover);

(b) 21 DCMR § 503.7(a) (failure to schedule a preconstruction meeting or field visit with the Department at least three (3) business days before commencement of a land-disturbing activity);

(c) 21 DCMR § 503.7(b) (failure to schedule a preconstruction inspection with the Department at least three (3) business days before beginning construction of a best management practice);

(d) 21 DCMR § 503.7(c) (failure to schedule an inspection required for a stage of construction or other construction event at least three (3) business days before the anticipated inspection);

(e) 21 DCMR § 503.7(d) (failure to give notice to the Department within two (2) weeks of completion of the land-disturbing activity); or

(f) 21 DCMR § 503.7(e) (failure to request a final construction inspection one (1) week before completion of a best management practice).

4010.5 Violation of any of the following provisions shall be a Class 4 infraction:

(a) 21 DCMR § 542.2 (failure to make the Department-approved soil erosion and sediment control plan for a project available on site for Department review);

(b) 21 DCMR § 543.10(b) (failure to post a copy of the Department-approved stormwater pollution prevention plan on site);

(c) 21 DCMR § 543.22 (failure to post a sign that notifies the public to contact the Department in the event of soil erosion or other pollution); or

(d) Violation of any provision of the District of Columbia Stormwater Management, Soil Erosion and Sedimentation Control Regulations (21 DCMR, Chapter 5) that is not cited elsewhere in this section.

Section 3645, AQUATIC ANIMAL PROTECTION AND FISHING INFRACTIONS, is repealed and replaced with a new Section 4015, AQUATIC ANIMAL PROTECTION AND FISHING INFRACTIONS, to read as follows:

4015 AQUATIC ANIMAL PROTECTION AND FISHING INFRACTIONS

4015.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 19 DCMR § 1503.1(a) (introducing a species of fish or other aquatic organism not indigenous to the District of Columbia into the waters of the District of Columbia);

(b) 19 DCMR § 1560.1 (killing or taking wildlife not in accordance with the law or regulations); or

(c) 19 DCMR § 1560.2 (killing or taking depredating wildlife on private property by inhumane means).

4015.2 [RESERVED]

4015.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 19 DCMR § 1503.1(e) (capturing, harassing, harming, or failing to return to the water immediately an organism listed as a threatened or endangered species); or

(b) 19 DCMR § 1503.1(f) (using explosives, chemicals, firearms, or electricity to take, kill, or injure a fish or other aquatic organisms).

4015.4 Violation of any of the following provisions shall be a Class 4 infraction:

(a) 19 DCMR § 1502.1 (taking a fish or other aquatic organism for sale or profit);

(b) 19 DCMR § 1503.1(b) (possessing a fish under the minimum legal size);

(c) 19 DCMR § 1503.1(c) (possessing more fish of a particular species than allowable);

(d) 19 DCMR § 1503.1(d) (possessing a fish with a size or weight limitation where the head or tail has been removed);

(e) 19 DCMR § 1503.1(g) or (i) (taking, catching, or possessing sturgeon, striped bass, American shad, hickory shad, chain pickerel, northern pike, or hybrid striped bass); or

(f) 19 DCMR § 1503.1(h) (taking fish illegally).

4015.5 Violation of any of the following provisions shall be a Class 5 infraction:

(a) 19 DCMR § 1501.1 (fishing without a valid D.C. Fishing License);

(b) 19 DCMR § 1501.3 (failure to display license or allow inspection of license upon request);

(c) 19 DCMR § 1501.4 (collecting fish or other aquatic organisms for scientific purposes without a permit);

(d) 19 DCMR §§ 1502.2 to 1502.7 (fishing with unauthorized equipment or methods);

(e) 19 DCMR § 1503.2 (fishing with nets of any kind); or

(f) 19 DCMR § 1503.3 (digging for bait in Rock Creek Park).

4015.6 Violation of any provision of section 4 of the Water Pollution Control Act of 1984, effective March 16, 1985, as amended (D.C. Law 5-188; D.C. Official Code § 8-103.03) or the implementing rules in 19 DCMR Chapter 15, which is not cited elsewhere in this section, shall be a Class 5 infraction.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Interim Director of the District of Columbia Department of Human Services (DHS), pursuant to authority set forth in Section 108 of the Data-Sharing and Information Coordination Amendment Act of 2010 (Act), effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-248 (2012 Repl.)), and Mayor's Order 2011-169, dated October 5, 2011, hereby gives notice of the adoption of a new Chapter 30 within Title 29 (Public Welfare) of the DCMR entitled "Data-sharing."

The final rulemaking promulgates rules for implementing the Act which allows District of Columbia (District) agencies and service providers to share health and human services information (HHSI) for specified purposes. These rules will mandate: (1) the purposes for using or disclosing information, (2) the requirements for sharing HHSI between District agencies, (3) the requirements District agencies and service providers must follow when sharing HHSI with other service providers, and (4) the penalties for not complying with the Act.

A Notice of Proposed Rulemaking (NOPR) was published in the *D.C. Register* on May 30, 2014, at 61 DCR 5522. DHS received and considered comments in response to the NOPR. DHS did not make any changes since the rules were published as proposed. Further, and in accordance with Section 108(b) of the Act, the NOPR was submitted to the Council for a thirty (30)-day period of review (Council Review Period). The Council Review Period ended on July 11, 2014, without any action. Therefore, the rules were deemed approved on that date.

DHS took action to adopt the rules as final on July 21, 2014. These rules shall take effect upon publication in the *D.C. Register*.

Title 29 (Public Welfare) is amended by creating a new Chapter 30 (Data-sharing) to read as follows:

CHAPTER 30: DATA-SHARING

3000 SCOPE AND APPLICABILITY

3000.1 These rules shall apply to the sharing of health and human services information (HHSI) between District of Columbia (District) agencies (Agency or Agencies) and the Agency's service providers (Provider) in accordance with the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010, as amended (D.C. Law 18-273; D.C. Official Code §§ 7-241, *et seq*.) (Act).

3001 USE AND DISCLOSURE OF HEALTH AND HUMAN SERVICES INFORMATION

3001.1 An Agency or Provider shall disclose HHSI referencing or related to an identified individual client or customer (Individual) upon request from another Agency or Provider for the following purposes, unless disclosure is precluded by District or federal law:

(a) To establish the Individual's eligibility for, or determine his or her amount of:

(1) Treatment;

(2) Services;

(3) Benefits;

(4) Support; or

(5) Assistance;

(b) To coordinate for the Individual, his or her:

(1) Treatment;

(2) Benefits;

(3) Services;

(4) Support; or

(5) Assistance;

(c) To conduct oversight activities, including:

(1) Management;

(2) Financial and other audits;

(3) Program evaluations;

(4) Planning;

(5) Investigations;

(6) Examinations;

(7) Inspections;

(8) Quality reviews;

(9) Licensure;

(10) Disciplinary actions; or

(11) Civil, administrative, or criminal proceedings or actions; and

(d) To conduct research related to treatments, benefits, services, support, or assistance provided that:

(1) Information referencing or relating to an Individual shall not be disclosed in a manner that would permit the Individual's identity to be reasonably inferred by either direct or indirect means; and

(2) The Agency or Provider receiving HHSI shall affirm in writing that any individually identifiable health information shall be treated in accordance with the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996, as amended (110 Stat. 1936; 42 U.S.C. §§ 1320d, *et seq*.) (HIPAA) and its implementing regulations.

3001.2 Neither an Agency nor a Provider requesting or disclosing HHSI referencing or related to an Individual pursuant to § 3001.1 of this chapter has to obtain the person's prior consent to using or disclosing HHSI unless required by § 3004 of this chapter.

3001.3 An Agency or Provider shall use or disclose HHSI in accordance with this chapter.

3001.4 Notwithstanding any other provision in this chapter, Agencies and Providers shall comply with any applicable Agency or Provider HIPAA policies and procedures, and Agencies shall comply with the District-wide HIPAA Policy.

3001.5 An Agency or Provider using or disclosing HHSI shall make reasonable efforts to limit the use or disclosure of HHSI to the minimum extent necessary to accomplish its intended purpose.

3001.6 An Agency or Provider that discloses HHSI shall designate a person within the Agency or Provider's staff who shall, in coordination with any

person that the Agency or Provider has designated as its HIPAA privacy officer and/or security officer, be responsible for:

(a) Responding to requests for HHSI from another Agency or Provider; and

(b) Ensuring that any HHSI disclosed pursuant to this chapter is limited to the minimum amount of HHSI necessary to accomplish the purpose of the disclosure.

3001.7 The individual designated by an Agency or Provider pursuant to § 3001.6 shall:

(a) Respond to a request within forty-eight (48) hours;

(b) Not unreasonably deny a request; and

(c) Within five (5) business days of the date of the request, supply the requested information to the extent such request was approved.

3001.8 If an Agency or Provider is unable to provide the requested HHSI within five (5) business days pursuant to § 3001.7(c), it shall notify the requesting Agency or Provider immediately and provide a reasonable timeline for fulfilling the request to the extent possible.

3002 DATA-SHARING AGREEMENT BETWEEN AGENCIES

3002.1 A District Agency seeking to use another District Agency's HHSI or seeking to disclose HHSI to another District Agency shall, consistent with the District-wide HIPAA Policy, enter into a data-sharing agreement (Agreement). Any Agency or Provider seeking to enter into an Agreement must follow any applicable Agency or Provider HIPAA policies and procedures.

3002.2 At a minimum, the Agreement shall include the following information:

(a) The legal authority which authorizes the sharing of HHSI between the two Agencies including the Act's legal citation;

(b) A listing of the specific HHSI each Agency is requesting from the other along with a statement of the Agency's purpose for requesting each piece of HHSI on that list, which shall be limited to the minimum amount of HHSI necessary to accomplish the purpose of the disclosure;

(c) A provision stating that the requested HHSI shall be safeguarded and protected from improper access, use, or dissemination in accordance with the Act, and any other applicable District and Federal laws;

(d) A provision stating that any unlawful use or disclosure of HHSI shall be subject to penalties outlined in the Act, and any other applicable District and Federal laws;

(e) Procedures for notifying an Agency of an actual or suspected unauthorized access, use, or dissemination of the HHSI.

3003 A PROVIDER OR AGENCY DISCLOSING HEALTH AND HUMAN SERVICES INFORMATION TO SERVICE PROVIDERS

3003.1 A Provider or Agency seeking to request or disclose HHSI to a Provider shall do so in accordance with their applicable contract, grant, or similar agreement with the Provider which shall contain provisions governing the sharing of HHSI.

3003.2 A Provider seeking to obtain HHSI from an Agency or another Provider shall submit a written request to the Agency or Provider in possession of the HHSI describing in detail the HHSI sought and the purpose for the HHSI being requested.

3003.3 An Agency or Provider that receives a request for HHSI from another Provider shall maintain an accurate record, for a reasonable period of time:

(a) Of the date and purpose for any request for the HHSI;

(b) The date which the HHSI was disclosed; and

(c) A record of whom the HHSI was disclosed to.

3003.4 For purposes of this Section 3003.3, the term “reasonable period of time” incorporates any applicable document retention requirements imposed by District or federal law.

3004 PRIOR WRITTEN CONSENT

3004.1 Unless Federal law states otherwise, an Agency or Provider disclosing HHSI in response to a request from another Agency or Provider pursuant to Section 3000.1 shall obtain the Individual’s prior written consent to disclose the HHSI requested if it involves:

(a) Alcohol and drug abuse patient records governed by 42 C.F.R. Part 2;

(b) Psychotherapy notes governed by 45 C.F.R. § 164.508(a)(2); and

(c) Any other HHSI requiring prior Consent for disclosure as required by Federal law.

3004.2 Unless District or Federal law states otherwise, an Agency or Provider disclosing HHSI in response to a request from another Agency or Provider pursuant to Section 3000.1 shall obtain the Individual's prior written consent to disclose the HHSI requested if it involves:

(a) Records governed by Section 1 of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131);

(b) Records which are incident to a case of HIV infection or AIDS as required by Section 6 of the AIDS Health-Care Response Act of 1986, effective June 10, 1986 (D.C. Law 6-121; D.C. Official Code § 7-1605);

(c) Records incident to a reported case of cancer as required by Section 2 of the Preventive Health Services Amendments Act of 1985, effective February 21, 1986 (D.C. Law 6-83; D. C. Official Code § 7-302);

(d) Substance abuse records governed by Section 7 of the Choice in Drug Treatment Act of 2000, effective July 18, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3006);

(e) Registration and other records of a detoxification center governed by Section 4(c) of An Act to establish a program for the rehabilitation of alcoholics, promote temperance, and provide for the medical and scientific treatment of persons found to be alcoholics by the courts of the District, and for other purpose, approved August 4, 1947 (61 Stat. 745; D.C. Official Code § 24-604(c)).

(f) Information provided to a Domestic Violence counselor governed by Section 3 of the Domestic Violence Amendment Act of 2006, effective March 2, 2007 (D.C. Law 16-204; D.C. Official Code § 14-310);

(g) Information provided to a Human Trafficking counselor governed by Section 203 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D. C. Law 18-239; D.C. Official Code § 14-311); and

(h) Any other HHSI requiring prior written consent for disclosure as required by District law.

3004.3 The prior written consent required by Sections 3004.1 and 3004.2 shall comply with all applicable laws and regulations, and with any applicable District-wide, Agency, or Provider HIPAA policies and procedures, and shall use plain language.

3005 CIVIL AND CRIMINAL PENALTIES FOR UNLAWFUL USE OR DISCLOSURE OF INFORMATION IN ACCORDANCE WITH THE ACT

3005.1 A person who negligently uses or discloses HHSI in a manner not authorized by the Act or other District law shall be liable in an amount of five hundred dollars ($500) for each violation.

3005.2 For purposes of this section, "negligently" means that a person guided by ordinary considerations should have known, and by exercising reasonable diligence would have known, that the use or disclosure was not authorized.

3005.3 A person who willfully uses or discloses HHSI in a manner not authorized by the Act or other District law shall be liable in an amount of one thousand dollars ($1,000) for each violation.

3005.4 A person who knowingly obtains, uses, or discloses HHSI in a manner not authorized by the Act or other District law shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than two thousand five hundred dollars ($2,500), imprisoned not more than sixty (60) days, or both. If the offense is committed through deception or theft, the person shall be guilty of a misdemeanor and shall be fined not more than five thousand dollars ($5,000), imprisoned for not more than one hundred eighty (180) days, or both.

3005.5 If a civil or criminal penalty imposed by another law applies to an action that is also subject to a civil or criminal penalty under the Act, the greater penalty shall apply.

3099 DEFINITIONS

3099.1 The following terms shall have the meanings ascribed:

Act – Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code §§ 7-241, *et seq*.).

Agency – an agency, department, unit, or instrumentality of the District of Columbia government.

Department – District of Columbia Department of Human Services.

Disclosure – the release, transfer, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

District-wide HIPAA Policy – the set of HIPAA policies and procedures issued by the District as a hybrid entity in accordance with 45 C.F.R. § 164.105(a)(2)(iii)(D). The District-wide HIPAA Policy applies to any District agency, and any subdivision of a District agency, that is subject to HIPAA as part of the District's hybrid entity.

Health and human services information (HHSI) – any information that relates to:

(a) The past, present, or future physical or mental health of an Individual or family;

(b) The provision of health care or human services, including benefits or supports, to an Individual or family;

(c) The past, present, or future payment for the provision of health care or human services to an Individual.

HIPAA – the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 1936; 42 U.S.C. §§ 1320d, *et seq*.), as amended; 45 C.F.R Parts 160, 162, and 164, as amended.

Identified individual – a natural person to whom health and human services information pertains.

Individually identifiable health information – shall have the same meaning as it does in HIPAA.

Person – a natural person, firm, company, association, corporation, service provider, or government instrumentality or agency authorized to receive HHSI in accordance with the Act.

Service provider (Provider) – an entity that provides health or human services to District residents pursuant to a contract, grant, or other similar agreement with an Agency.

Use – the sharing, employment, application, utilization, examination, or analysis of health and human services information.

THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the Law to Legalize Lotteries, Daily Numbers, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1306 and 3-1321 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 9 (Description of On-Line Games) and 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking creates a new DC FAST PLAY Game entitled ROLLING JACKPOT SMOKIN' HOT DICE GAME.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on June 27, 2014 at 61 DCR 6462, and a Notice of Emergency Rulemaking was published August 8, 2014 at 61 DCR 8156. There was one comment received, which asked the lottery to not implement this game for anti-gambling expansion concerns. This comment was considered but no substantive changes were made to the rulemaking. These rules were adopted as final on August 11, 2014 and will become effective upon publication of this notice in the *D.C. Register*.

Sections 953 and 954 of Chapter 9, DESCRIPTION OF ON-LINE GAMES, of Title 30, LOTTERY AND CHARITABLE GAMES, of the DCMR is amended to read as follows:

953 ROLLING JACKPOT SMOKIN' HOT DICE FAST PLAY GAME

953.1 The Agency may conduct a game enhancement to the DC Fast Play game called Rolling Jackpot Smokin' Hot Dice to the public and for such time periods as determined by the Executive Director.

953.2 Rolling Smokin' Hot Dice is an instant ticket style Fast Play game with the option of adding a Progressive Jackpot top prize. The tickets are printed and played through the Agency agent's online terminal.

953.3 Each Fast Play Rolling Jackpot Smokin' Hot Dice ticket will cost $1.00 per ticket.

953.4 Each $1.00 play will be on a separate ticket and is not cancellable.

953.5 Each ticket will have one (1) "Smokin' Hot Roll" consisting of two die. Each Ticket will have twelve (12) "Your Rolls" consisting of two die per roll. There is a random prize amount associated with each of the twelve (12) "Your Rolls". A

player wins by matching the sum of the "Smokin' Hot Roll" to one or more of the twelve (12) "Your Rolls" Each of the "Your Rolls" are played separately. A player can win up to 5 times on a ticket, per the prize structure.

953.6 15% of sales from all Fast Play Rolling Jackpot Smokin' Hot Dice will be added into a progressive jackpot. The base jackpot amount will begin at $500 and return to this amount each time the jackpot is won.

953.7 The advertised jackpot will not begin increasing in value until the jackpot is funded and supports the base $500 prize. In the event that the jackpot is won before the $500 base is funded, the advertised jackpot will begin again at $500 but not roll until the deficit from the underfunded jackpot is covered and the jackpot is fully funded. After the base jackpot of $500 is funded, the jackpot will increase based on 15% of sales from the games per the prize structure.

Additionally, the overall odds and PRIZE LEGEND are printed on the game ticket.

954 ROLLING JACKPOT SMOKIN' HOT DICE PRIZE POOL AND PRIZE STRUCTURE

954.1 Rolling Jackpot Smokin' Hot Dice tickets will be drawn from a pool of two hundred forty thousand (240,000) tickets for ($1); one dollar per ticket. The Prize payout will be 79.00%.

The prize structure below shows the estimated average Rolling Jackpot amount.

Prize Level	# of Wins	Find	Win	Odds per Grid	Expected Number of Winners/Grid	Total Prize	Prize %	Payout %	Percent Low Tier	Percent Mid Tier	Percent High Tier	Combined Probability per Tier	
1	1	Jackpot*	$3,000	20,000	12	$ 36,000	18.99%	15.00%			18.99%	Jackpot	20000.00
2	1	$500	$500	48,000	5	$ 2,500	1.32%	1.04%		1.32%		$500	24000.00
3	5	$100*5	$500	48,000	5	$ 2,500	1.32%	1.04%		1.32%			
4	1	$100	$100	48,000	5	$ 500	0.26%	0.21%		0.26%		$100	9230.77
5	2	$50*2	$100	40,000	6	$ 600	0.32%	0.25%		0.32%			
6	4	$25*4	$100	16,000	15	$ 1,500	0.79%	0.63%		0.79%			
7	1	$50	$50	16,000	15	$ 750	0.40%	0.31%		0.40%		$50	5333.33
8	5	$10*5	$50	8,000	30	$ 1,500	0.79%	0.63%		0.79%			
9	1	$25	$25	2,400	100	$ 2,500	1.32%	1.04%	1.32%			$25	1200.00
10	5	$5*5	$25	2,400	100	$ 2,500	1.32%	1.04%	1.32%				
11	1	$10	$10	471	510	$ 5,100	2.69%	2.13%	2.69%			$10	95.62
12	2	$5*2	$10	120	2,000	$ 20,000	10.55%	8.33%	10.55%				
13	1	$5	$5	48	5,000	$ 25,000	13.19%	10.42%	13.19%			$5	48.00
14	1	$2	$2	9	28,000	$ 56,000	29.54%	23.33%	29.54%			$2	8.57
15	1	$1	$1	7	32,650	$ 32,650	17.22%	13.60%	17.22%			$1	7.35
Total				3.51	68,453.00	$ 189,600	100.00%	79.00%	75.82%	5.20%	18.99%		

Chapter 99, DEFINITIONS, of Title 30 of the DCMR is amended as follows:

Section 9900, DEFINITIONS, is amended by adding the following terms and definitions:

ROLLING JACKPOT – Displayed on a Rolling Jackpot Smokin' Hot Dice Ticket. This progressive jackpot starts at $1,000 and grows with each ticket sold, once the jackpot is funded. The progressive jackpot is rounded

down to the lower whole dollar amount, no progressive amount of pennies will be used. Any remaining pennies will be used to fund the next jackpot. The jackpot wins will be randomly located throughout the pool and therefore the actual jackpot amount when hit will fluctuate accordingly. The Progressive Jackpot is updated throughout the day. The percentage of jackpot paid to the winner depends on the price point of purchase.

THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the Law to Legalize Lotteries, Daily Numbers, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306, 3-1321 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapter 9 (Description of On-Line Games) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking are necessary to create DC Lucky Sum a game enhancement for the DC3 and DC4 games.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on June 27, 2014 at 61 DCR 6465, and a Notice of Emergency Rulemaking was published August 8, 2014 at 61 DCR 8159. There was one comment received, which asked the lottery to not implement this game for anti-gambling expansion concerns. This comment was considered but no substantive changes were made to the rulemaking. These rules were adopted as final on August 11, 2014 and will become effective upon publication of this notice in the *D.C. Register*.

Sections 955 and 956 of Chapter 9, DESCRIPTION OF ON-LINE GAMES, of Title 30, LOTTERY AND CHARITABLE GAMES, of the DCMR is amended to read as follows:

955 DC LUCKY SUM Game

955.1 The Agency may conduct a game enhancement for the DC 3 and DC 4 on-line games called DC Lucky Sum to the public and for such time periods as determined by the Executive Director.

955.2 Lucky Sum is an add-on game feature to the *DC3* and *DC4* on-line games and offers the player another opportunity to win prizes by matching the sum of the selected numbers on the tickets to the sum of the numbers drawn.

955.3 A Lucky Sum play is a separate play from the *DC3* or *DC4* play. The Lucky Sum game is offered to players at an additional cost on top of the price of the specified draw game ticket. The actual cost of the Lucky Sum game will be the same cost as the specified draw game ticket (*i.e.*, for a $1.00 draw game wager, the cost of the Lucky Sum game will be an additional $1.00).

955.4 If selected, the words “Sum It Up” and the sum of the numbers played will be printed on the ticket. Each play will be on a separate ticket and is not cancellable.

955.5 Lucky Sum can be played for both day and evening drawings for *DC3* or *DC4* and excluding Front Pair and Back Pair for DC3 and Front Three and Back Three for DC4, Lucky Sum can be added to any of the play types. If Lucky Sum is selected, it will be applied to every wager produced by the play slip. If a play slip contains more than one play, then each play will produce a separate ticket.

956 DC LUCKY SUM DC 3 & DC4 PRIZE POOLS AND PRIZE STRUCTURES

956.1 Prizes won depend on whether the play is for $.50 or $1.00, as well as the odds of winning for the sum. The odds of matching some number combinations are greater than others. Prizes associated with winning Lucky Sum DC3 & DC4 numbers are detailed below:

DC 3 Lucky Sum Payout Chart

Tier	Sum of 3 Numbers Played	Possible Combinations	Odds	Winners/1,000 Plays	Prize $0.50 Base Play	$.50 Payout per tier	Prize $1.00 Base Play	$1 Payout per tier
1	0	1	1,000.00	1.00	$ 325.00	65%	$ 650.00	65%
2	1	3	333.33	3.00	$ 110.00	66%	$ 220.00	66%
3	2	6	166.67	6.00	$ 55.00	66%	$ 110.00	66%
4	3	10	100.00	10.00	$ 33.00	66%	$ 66.00	66%
5	4	15	66.67	15.00	$ 23.00	69%	$ 46.00	69%
6	5	21	47.62	21.00	$ 15.00	63%	$ 30.00	63%
7	6	28	35.71	28.00	$ 12.00	67%	$ 24.00	67%
8	7	36	27.78	36.00	$ 9.00	65%	$ 18.00	65%
9	8	45	22.22	45.00	$ 7.00	63%	$ 14.00	63%
10	9	55	18.18	55.00	$ 6.00	66%	$ 12.00	66%
11	10	63	15.87	63.00	$ 5.00	63%	$ 10.00	63%
12	11	69	14.49	69.00	$ 5.00	69%	$ 10.00	69%
13	12	73	13.70	73.00	$ 5.00	73%	$ 10.00	73%
14	13	75	13.33	75.00	$ 4.00	60%	$ 8.00	60%
15	14	75	13.33	75.00	$ 4.00	60%	$ 8.00	60%
16	15	73	13.70	73.00	$ 5.00	73%	$ 10.00	73%
17	16	69	14.49	69.00	$ 5.00	69%	$ 10.00	69%
18	17	63	15.87	63.00	$ 5.00	63%	$ 10.00	63%
19	18	55	18.18	55.00	$ 6.00	66%	$ 12.00	66%
20	19	45	22.22	45.00	$ 7.00	63%	$ 14.00	63%
21	20	36	27.78	36.00	$ 9.00	65%	$ 18.00	65%
22	21	28	35.71	28.00	$ 12.00	67%	$ 24.00	67%
23	22	21	47.62	21.00	$ 15.00	63%	$ 30.00	63%
24	23	15	66.67	15.00	$ 23.00	69%	$ 46.00	69%
25	24	10	100.00	10.00	$ 33.00	66%	$ 66.00	66%
26	25	6	166.67	6.00	$ 55.00	66%	$ 110.00	66%
27	26	3	333.33	3.00	$ 110.00	66%	$ 220.00	66%
28	27	1	1,000.00	1.00	$ 325.00	65%	$ 650.00	65%
					Average Estimated Payout:	**65.79%**		**65.79%**

DC 4 Lucky Sum Payout Chart

Tier	Sum of 4 Numbers Played	Possible Combinations	Odds	Winners/1,000 Plays	Prize $0.50 Base Play	$.50 Payout per tier	Prize $1.00 Base Play	$1 Payout per tier
1	0	1	10,000.00	1.00	$ 3,200.00	64%	$ 6,400.00	64%
2	1	4	2,500.00	4.00	$ 800.00	64%	$ 1,600.00	64%
3	2	10	1,000.00	10.00	$ 320.00	64%	$ 640.00	64%
4	3	20	500.00	20.00	$ 160.00	64%	$ 320.00	64%
5	4	35	285.71	35.00	$ 95.00	67%	$ 190.00	67%
6	5	56	178.57	56.00	$ 58.00	65%	$ 116.00	65%
7	6	84	119.05	84.00	$ 38.00	64%	$ 76.00	64%
8	7	120	83.33	120.00	$ 27.00	65%	$ 54.00	65%
9	8	165	60.61	165.00	$ 20.00	66%	$ 40.00	66%
10	9	220	45.45	220.00	$ 15.00	66%	$ 30.00	66%
11	10	282	35.46	282.00	$ 12.00	68%	$ 24.00	68%
12	11	348	28.74	348.00	$ 9.00	63%	$ 18.00	63%
13	12	415	24.10	415.00	$ 8.00	66%	$ 16.00	66%
14	13	480	20.83	480.00	$ 7.00	67%	$ 14.00	67%
15	14	540	18.52	540.00	$ 6.00	65%	$ 12.00	65%
16	15	592	16.89	592.00	$ 6.00	71%	$ 12.00	71%
17	16	633	15.80	633.00	$ 5.00	63%	$ 10.00	63%
18	17	660	15.15	660.00	$ 5.00	66%	$ 10.00	66%
19	18	670	14.93	670.00	$ 5.00	67%	$ 10.00	67%
20	19	660	15.15	660.00	$ 5.00	66%	$ 10.00	66%
21	20	633	15.80	633.00	$ 5.00	63%	$ 10.00	63%
22	21	592	16.89	592.00	$ 6.00	71%	$ 12.00	71%
23	22	540	18.52	540.00	$ 6.00	65%	$ 12.00	65%
24	23	480	20.83	480.00	$ 7.00	67%	$ 14.00	67%
25	24	415	24.10	415.00	$ 8.00	66%	$ 16.00	66%
26	25	348	28.74	348.00	$ 9.00	63%	$ 18.00	63%
27	26	282	35.46	282.00	$ 12.00	68%	$ 24.00	68%
28	27	220	45.45	220.00	$ 15.00	66%	$ 30.00	66%
29	28	165	60.61	165.00	$ 20.00	66%	$ 40.00	66%
30	29	120	83.33	120.00	$ 27.00	65%	$ 54.00	65%
31	30	84	119.05	84.00	$ 38.00	64%	$ 76.00	64%
32	31	56	178.57	56.00	$ 58.00	65%	$ 116.00	65%
33	32	35	285.71	35.00	$ 95.00	67%	$ 190.00	67%
34	33	20	500.00	20.00	$ 160.00	64%	$ 320.00	64%
35	34	10	1,000.00	10.00	$ 320.00	64%	$ 640.00	64%
36	35	4	2,500.00	4.00	$ 800.00	64%	$ 1,600.00	64%
37	36	1	10,000.00	1.00	$ 3,200.00	64%	$ 6,400.00	64%
					Average Estimated Payout:	**65.44%**		**65.44%**

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles ("Director"), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)) and Sections 6, 7 and 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121,1125; D.C. Official Code §§ 50-2201.03, 50-1401.01 and 50-1401.03 (2012 Repl)), hereby gives notice of the adoption the following rulemaking that amends Chapter 1 (Issuance of Drivers Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations ("DCMR").

This rulemaking ensures the District's compliance with the federal requirements pertaining to issuance of licenses, permits and identification cards.

No comments were received and no changes were made to the text of the proposed rules, as published in the *D.C. Register* as a Notice of Proposed Rulemaking on July 11, 2014 at 61 DCR 7045. The final rules were adopted on August 12, 2014 and will be effective upon publication of this notice in the *D.C. Register*.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 1, ISSUANCE OF DRIVER'S LICENSES, is amended so that the title reads as follows, "ISSUANCE OF DRIVER LICENSES and said section is amended as follows:

Subsection 100.5 is added to read as follows:

100.5 Any person holding a valid learner permit, provisional permit, driver license, identification card, or its equivalent, from any jurisdiction must surrender it to the Department prior to obtaining a District of Columbia learner permit, provisional permit or operator license.

Subsection 100.6 is added to read as follows:

100.6 At the Director's discretion, he or she is not required to comply with the provisions set forth in this chapter when issuing a learner permit, driver license or identification card to an employee of Federal or District of Columbia criminal justice agencies that require special licensing or identification to safeguard themselves in support of their official duties.

Section 102, DRIVING UNDER INSTRUCTION: LEARNERS PERMIT is amended so that the title reads as follows: DRIVING UNDER INSTRUCTION: LEARNER PERMIT AND PROVISIONAL PERMIT and said section is amended as follows:

Subsection 102.15 is added to read as follows:

102.15 Each permit shall include the same information as set forth in §§ 107.2 and 107.3 of this title.

Section 103, APPLICATION FOR A DRIVER LICENSE OR LEARNER PERMIT, is amended so that the title reads as follows: APPLICATION FOR A DRIVER LICENSE, LEARNER PERMIT OR PROVISIONAL PERMIT and said section is amended as follows:

Subsection 103.2 is amended to read as follows:

103.2 Each application shall:

(a) Provide the applicant's true and lawful name (which shall include the applicant's full and complete name, including any given middle name(s)); the applicant's date of birth; sex; social security number, if such a number was issued to the applicant, or, proof that the applicant is not eligible for a social security number; the residence address of the applicant; and a brief description of the applicant, including, but not necessarily limited to, the applicant's height, weight, color of eyes, and color of hair; and

(b) Include a certification that the applicant does not have Alzheimer's disease, glaucoma, cataracts or eye disease; is not an insulin dependent diabetic; has not had seizures or loss of consciousness; and does not have any other mental or physical condition that would impair the ability to drive.

Subsection 103.4 is amended to read as follows:

103.4 Each applicant shall provide, as applicable, the documents set forth below in order to establish identity, date of birth, lawful status in the United States, social security number and address of principal residence as follows:

(a) To establish identity, date of birth and lawful status, an applicant shall submit one of the following documents:

(1) Original valid, unexpired U.S. passport or passport card;

(2) Original or certified copy of U.S birth certificate or record of birth issued by the State Office of Vital Records or the equivalent agency in the applicant's location of birth;

(3) Original or certified copy of the Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State;

(4) Original valid, unexpired Permanent Resident Card issued by the U.S. Department of Homeland Security;

(5) Original Certificate of Naturalization form issued by the U.S. Department of Homeland Security;

(6) Original Certificate of Citizenship form issued by the U.S. Department of Homeland Security;

(7) Original unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the U.S.;

(8) Original unexpired employment authorization documents issued by the U.S. Department of Homeland Security;

(9) REAL ID driver license or identification card issued in compliance with 6 C.F.R. § 37; or

(10) Any other documents designated acceptable by the U.S. Department of Homeland Security by notice published in the Federal Register.

(b) To establish proof of Social Security Number (SSN), an applicant shall submit an original of one of the following documents reflecting applicant’s full name and full social security number:

(1) Social Security card or Social Security Administration printout;

(2) W-2 form;

(3) SSA-1099 form;

(4) Non-SSA-1099 form; or

(5) Pay statement.

(c) To establish proof of ineligibility for a SSN, an applicant shall submit an original letter from the Social Security Administration reflecting that the applicant is not eligible for a social security number.

(d) To establish District of Columbia residency, an applicant shall submit an original of two of the documents set forth in (1)-(8), except as set forth in (9)-(11). The address on the documents shall match the address on the application.

(1) Utility bill (Water, Gas, Electric, Oil, or Cable) with name and address, issued within the last sixty (60) days;

(2) Telephone bill reflecting applicant's name and current address, issued within the last sixty (60) days;

(3) Deed or settlement agreement reflecting property address;

(4) Unexpired lease or rental agreement with the name of the applicant listed as the lessee, permitted resident or renter (may be a photocopy);

(5) Current District of Columbia Property Tax bill;

(6) Unexpired homeowner's or renter's insurance policy reflecting name and address;

(7) Official Mail received from a Federal or District of Columbia Agency, other than the District of Columbia Department of Motor Vehicles, that includes the applicant's first and last name and complete address, as well as the envelope and contents;

(8) Bank statement issued within the last sixty (60) days reflecting name and address;

(9) If unable to provide two of the documents listed above, submit a DC DMV Proof of Residency Form signed by the person owning or renting the property where the applicant is residing and a copy of this person's unexpired DC driver license or DC identification card and two of the documents listed above in the name of the person owning or renting the property.

(10) For an identification card only, Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or DC Department of Corrections issued within the last sixty (60) days certifying residency. A second document is not required.

(11) For an identification card only, a District of Columbia Department of Motor Vehicles' approved letter from a certified social service provider. A second document is not required.

Subsection 103.5 is amended to read as follows:

103.5 If an applicant is unable to comply with the document requirements set forth in § 103.4(a) to show identity or date of birth due to circumstances beyond the

applicant's control, the applicant may submit one of the alternate documents and the Department shall indicate in the applicant's record that an exceptions process was used:

(a) Unexpired United States military or dependent identification card; or

(b) Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or DC Department of Corrections issued within the last sixty (60) days certifying identity and date of birth.

Section 107, LICENSES ISSUED TO DRIVERS, is amended as follows:

Subsection 107.2, is amended to read as follows:

107.2 Each license shall include the licensee's true and full legal name (as required to be stated on the application), residence address, distinguishing number , as provided by § 7(b)(1) of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1401.01(b)(1)), date of birth, gender, weight, height, color of eyes, color of hair, expiration date, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Subsection 107.4 is amended to read as follows:

107.4 The Director may, in his or her discretion, issue a temporary or limited term driver license to an applicant under the following circumstances:

(a) While the Director is completing an investigation and determination of all facts relative to the applicant's eligibility to receive a driver license;

(b) After an applicant has renewed his or her driver license on the Department's website;

(c) If the applicant has temporary lawful status in the United States (1) for a period no shorter than six months; (2) for a period no longer than the expiration of the applicant's authorized stay in the United States, or, if there is no expiration date, for a period no longer than one year; and (3) no longer than the District's maximum driver license term; or

(d) If the applicant has permanent resident status in the United States, but his or her Permanent Resident Card expires prior to the term set forth in § 110.1 of this chapter.

Section 109, DUPLICATE OR MODIFIED LICENSES AND SPECIAL IDENTIFICATION CARDS, is amended as follows:

Subsection 109.1 is amended to read as follows:

109.1 If a learner's permit, a provisional permit, special identification card or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the permit, license, or special identification card was issued may obtain a duplicate, or substitute, upon furnishing proof satisfactory to the Director that the permit, license, or special identification card has been lost or destroyed, and payment of the required fee. The applicant may obtain a duplicate permit, card or license through the internet, unless since the prior issuance, there has been a material change in any personally identifiable information, as set forth in § 103.4(a) and (b). In that instance, the applicant will be required to seek renewal in-person. Any material change must be established through the applicant's presentation of an original source document.

Section 110, RENEWAL OF DRIVER LICENSES, is amended as follows:

Subsection 110.9 is amended to read as follows:

110.9 An applicant for the renewal of a driver license is required to renew a license in person at least once every other renewal period and, on alternate renewal periods, the applicant may apply by mail or through the internet provided the applicant meets the following requirements:

(a) The applicant is not subject to re-examination pursuant to Subsection 110.4 or Section 111 of this chapter;

(b) The applicant certifies that the applicant meets the visual requirements of Section 105 and there has been no change in the applicant's vision;

(c) The driver license has not been expired in excess of three hundred and sixty five (365) days;

(d) The applicant is renewing for an eight (8) year period of time;

(e) Since the prior issuance, there has not been a material change in any personally identifiable information, as set forth in § 103.4(a) and (b). If there has been a material change in any personally identifiable information, the applicant will be required to seek renewal in-person and establish the change through the presentation of a verifiable original source document that can be verified by the Department of Motor Vehicles.

Subsection 110.10 is added to read as follows:

110.10 In person renewal of a driver license shall be conducted as follows:

(a) For a valid full-term driver license, an applicant must appear in-person no less frequently than every sixteen (16) years at which time an updated photograph shall be taken;

(b) In-person renewal of temporary or limited-term driver license pursuant to § 107.4(c) and (d):

(1) The applicant must present valid documentary evidence verifiable through the U.S. Department of Homeland Security that the status by which the applicant qualified for the temporary or limited-term driver's license or identification card is still in effect, or

(2) The applicant presents valid documentary evidence verifiable through the U.S. Department of Homeland Security that he or she continues to qualify for lawful status in the United States.

Section 112, SPECIAL IDENTIFICATION CARDS, is amended as follows:

Subsection 112.2 is amended to read as follows:

112.2 The special identification card shall only be issued to residents of the District over age fifteen (15), upon the payment of a fee and the submission of an application that includes the information required by §§ 103.2, 103.4 and 103.5 of this chapter, except that residents released from a federal or state correctional or detention facility within the previous six (6) months may obtain an identification card upon the facility entering into a written agreement with the Director, in which the facility agrees to provide information acceptable to the Director.

Subsection 112.10 is repealed.

112.10 REPEALED.

Subsection 112.15 is amended to read as follows:

112.15 Each special identification card shall include the same information as set forth in §§ 107.2 and 107.3 of this title.

Subsection 112.16 is added to read as follows:

112.16 The special identification card shall be renewed under the same terms and conditions for a driver license as set forth in §§ 107.4, 110.9(d)-(e) and 110.10.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission, pursuant to the authority set forth in Sections 8(c)(2), (7), (18), (19) and 14 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2), (c)(7), (c)(18), (c)(19), and 50-313 (2012 Repl. & 2013 Supp.)), hereby gives notice of its adoption of amendments to Chapter 5 (Taxicab Companies, Associations and Fleets) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The rules: (1) require taxicab companies, associations, and fleets to prohibit long-term parking around the administrative offices or other property of the taxicab company, association, or fleet and establish penalties for failure to comply with this requirement, (2) require taxicab companies, associations, and fleets to post hours of operation, and (3) require taxicab companies, associations, and fleets to provide notice to the Commission if the taxicab company, association, or fleet acquires property for long-term parking.

The Notice of Proposed Rulemaking was adopted on April 9, 2014 and published in the *D.C. Register* on May 16, 2014 at 61 DCR 5006. No comments were received on the proposed rulemaking. No substantive changes have been made. The Commission voted to adopt these rules as final on August 6, 2014, and they will become effective upon publication in the *D.C. Register*.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 502, REQUIREMENT OF LOCAL PLACE OF BUSINESS, is amended by adding new Subsections 502.7 and 502.8 as follows:

502.7 Each company, association, and fleet shall post the hours of operation of its bona fide administrative office as set forth in § 516.

502.8 Each company, association, or fleet shall prohibit the parking of taxicabs on any public street in front of, alongside, or in the rear of the bona fide administrative office as set forth in § 516.

Section 516 is amended to read as follows:

516 COMPANIES, ASSOCIATIONS, AND FLEETS – HOURS OF OPERATION AND STREET PARKING OF TAXICABS

516.1 Each company, association, and fleet shall post the hours of operation of any building or property it owns, leases, or uses in the District for its taxicab business ("taxicab business property"). The hours of operation shall be visible to the

public from the outside of the building or, if the building or property is enclosed by a fence, from outside the perimeter of the fenced-in area.

516.2 Each company, association, and fleet shall prohibit the parking of taxicabs on any public street in front of, alongside, or in the rear of any taxicab business property as follows:

(a) Parking outside of the posted hours of operation of the taxicab business property shall be prohibited; and

(b) Parking during the posted hours of the taxicab business property shall be prohibited unless the operator of the taxicab is carrying on business at the taxicab business property and only for so long as the operator is carrying on such business.

516.3 If a company, association, or fleet acquires space for long-term parking, it shall provide notification to the Office within thirty (30) days after the acquisition. The notification shall also be provided with each application for renewal of the operating authority of the company, association, or fleet pursuant to § 501.

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DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19); 14, 20, 20a and 20f of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19), 50-313, 50-319, 50-320 and 50-325 (2012 Repl. & 2013 Supp.) hereby gives notice of its intent to adopt as final a new Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) and amendments to Chapter 8 (Operation of Taxicabs) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The final rules would implement the Coordinated Alternative to Paratransit Services – DC Pilot Program (CAPS-DC) between the D.C. Government and the Washington Metropolitan Area Transit Authority (WMATA), pursuant to a memorandum of understanding between WMATA and the District executed on June 23, 2014. CAPS-DC would provide a cost-effective alternative to MetroAccess paratransit services for MetroAccess dialysis patients residing in the District who consent to participate in the new program. CAPS-DC would provide patients with rides to and from WMATA-identified dialysis centers, using vehicles associated with taxicab companies that have been approved to participate in CAPS-DC under these new rules. The proposed rules govern the provision of CAPS-DC services by approved taxicab companies, and include rules for: (1) taxicab company eligibility and application for approval; (2) driver training; (3) the prioritization of service requests for wheelchair accessible vehicles; (4) the provision of service by operators to ensure patients receive transportation when needed; (5) the establishment of CAPS-DC fares and payment methods; (6) taxicab company accounting and reporting requirements; and (7) the purchase of a new wheelchair accessible vehicles by each approved taxicab company each time the company completes 3,000 CAPS-DC trips. By requiring CAPS-DC program participants to purchase wheelchair accessible vehicles for use by both CAPS-DC and regular passengers, the rules will immediately increase the number of wheelchair accessible public vehicles-for-hire in the District.

The Commission voted to adopt these rules on June 11, 2014, and published in the *D.C. Register* on July 4, 2014 at 61 DCR 6840. The Commission received comments on the proposed rulemaking, which were carefully reviewed and considered, but which did not require the Commission to make any substantial changes. No substantial changes have been made. The edits made to the final rulemaking correct grammar, clarify initial intent, clarify proposed procedures, or lessen the burdens established by the proposed rules. The Commission voted to adopt these rules as final on August 6, 2014, and they will become effective upon publication in the *D.C. Register*.

The Commission adds Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR to read as follows:

CHAPTER 18 WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE

1800 APPLICATION AND SCOPE

1800.1 This chapter establishes licensing and other requirements applicable to taxicab companies ("companies"), operators, and vehicles, that are approved under this chapter to provide paratransit taxicab service, including wheelchair accessible service, as a participant in the Coordinated Alternative to Paratransit Services – DC Pilot Program (CAPS-DC) to ensure the safety of passengers and operators, to protect consumers, and for other lawful purposes within the authority of the Commission.

1800.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Act").

1800.3 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

1801 GENERAL PROVISIONS

1801.1 No person shall participate in a CAPS-DC trip unless the company, operator and vehicle have been approved to participate in CAPS-DC under this chapter, and the company, operator, and vehicle are in compliance with all applicable provisions of this title and other applicable laws.

1801.2 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.

1802 TAXICAB COMPANIES – ELIGIBILITY

1802.1 Any taxicab company which has current operating authority under Chapter 5 of this title, is in good standing with the Office, and is interested in participating in CAPS-DC, may apply to the Office to be approved as a participant in the CAPS-DC program.

1802.2 Each taxicab company interested in participating in CAPS-DC ("applicant") shall be in compliance with the requirements of this section at the time of its application under § 1803.

1802.3 Each applicant shall be in compliance with all applicable provisions of this title in addition to those set forth in this chapter.

1802.4 Each applicant shall possess all necessary endorsements on its Department of Consumer and Regulatory Affairs ("DCRA") basic business license for provision of CAPS-DC, if any.

1802.5 Each applicant shall possess insurance under Chapter 9 which extends to its participation in CAPS-DC, including the participation of its associated operators and vehicles.

1802.6 Each applicant shall be in compliance with, or ready and able to comply with, all operating requirements in § 1806.

1803 TAXICAB COMPANIES – APPLICATION

1803.1 Each applicant shall provide the following information and documentation to the Office of Taxicabs ("Office"):

(a) The name of the applicant;

(b) The trade name(s) and logo used by the company, if any;

(c) Information and documentation showing that the business is in compliance with, or ready and able to comply with, all the eligibility requirements of § 1802 and all the operating requirements in § 1806;

(d) Information and documentation showing that the business seeks and would be eligible to receive a grant from the Office for the purpose of acquiring and placing into service one or more wheelchair accessible paratransit vans transferred from the Washington Metropolitan Area Transit Authority ("WMATA vans"), pursuant to § 1806.3; and

(e) Such other information and documentation as the Office deems necessary to determine that the applicant meets the requirements for approval under this title and other applicable laws.

1803.2 Each application filed with the Office under this section shall be:

(a) Full and complete;

(b) Accompanied by full and complete documentation;

(c) Notarized and provided under penalty of perjury;

(d) Submitted no later than the deadline stated in any applicable administrative issuance, instruction, or guidance issued by the Office; and

(e) Accompanied by an application fee of five hundred dollars ($500).

1804 TAXICAB COMPANIES – REVIEW OF APPLICATION

1804.1 The Office shall review each application pursuant to the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118, D.C. Official Code §§ 47-2861, *et seq*.) and shall deny the application of any applicant not in compliance with the Clean Hands Act.

1804.2 An application may be denied if the applicant does not cooperate with the Office during the application process, if the application is not complete, or if the applicant provides materially false information for the purpose of inducing the Office to grant the application.

1804.3 If the Office denies an application:

(a) The Office shall state the reasons for its decision in writing; and

(b) The applicant may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, the decision shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) calendar days. A timely appeal of a denial shall extend any existing approval pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend any existing approval pending the final decision of the Office.

1804.4 Each CAPS-DC approval shall be effective for twelve (12) months, provided however, that the approval shall not be effective during any time when the company's operating authority under Chapter 5 has been suspended, revoked, or not renewed.

1804.5 The Office shall provide to the applicant a physical certificate reflecting the Office's approval of the applicant to participate in CAPS-DC, and to receive a grant for the acquisition of WMATA vans. The certificate shall be the property of the Office, and shall be returned to the Office at the expiration of the approval period or otherwise as provided in this title.

1804.6 The Office shall maintain on the Commission's website the name and contact information of each taxicab company approved to participate in CAPS-DC.

1805 TAXICAB COMPANIES – RENEWAL

1805.1 Each company shall apply to renew its CAPS-DC approval not later than sixty (60) days prior to the expiration date of its existing approval.

1805.2 Each company that fails to apply for renewal of its approval prior to the twenty ninth (29th) day prior to the expiration date of its existing approval may be required to surrender its certificate of CAPS-DC approval at the end of the approval period, and apply for a new approval.

1805.3 Each company which applies to renew its CAPS-DC approval shall, at the time it files its renewal application, be in full compliance with this title and other applicable laws.

1805.4 Unless the Office provides otherwise in writing, all requirements for a new approval shall apply to a renewal approval.

1805.5 A CAPS-DC approval shall continue in force and effect beyond its expiration period, during such time as an application for renewal of such approval is pending, provided such application was timely filed and the application is complete.

1806 TAXICAB COMPANIES AND OPERATORS – OPERATING REQUIREMENTS

1806.1 Each company that has been approved by the Office to participate in CAPS-DC shall have current operating authority under Chapter 5 of this title, be in good standing with the Office, including no pending enforcement actions, and be in compliance with all other applicable provisions of this title and other applicable laws.

1806.2 Each approved company shall maintain appropriate business records of its compliance with the provisions of this chapter and participation in CAPS-DC, shall retain such records according to industry best practices for not less than five (5) years.

1806.3 Each approved company shall acquire one or more WMATA vans consistent with the approval under § 1804 or other written directive from the Office; all applicable District, WMATA, and Federal laws and regulations, and with any applicable issuances, instructions, or guidance issued by the Office. Notwithstanding any applicable administrative issuance, instruction, or guidance previously issued by the Office, each WMATA van (but no other vehicles) shall be eligible to receive a new "H-tag" pursuant to all applicable rules and regulations of DMV.

1806.4 The Office shall make a grant to each approved company for the acquisition of one or more WMATA vans pursuant to § 1806.3, not to exceed four thousand eight hundred dollars ($4,800) for each WMATA. Each grant shall be made pursuant to all applicable laws, regulations, and guidelines. The company shall dispose of each WMATA van in the manner required by law and by the conditions of the grant. Failure to comply with the requirements of this

subsection may result in the suspension or revocation of a company's CAPS-DC approval, and the company may be required to refund to the Office any grant provided to the company for the acquisition of WMATA vans.

1806.5 Companies participating in CAPS-DC shall comply with the following provisions concerning the replacement of vehicles:

(a) Each company shall replace one of its existing vehicles each time the company completes three thousand (3,000) CAPS-DC trips.

(b) Each company shall replace an existing vehicle with a new wheelchair accessible vehicle which has a side or rear entry and a ramp which meets ADA requirements, and has one of the following sources of propulsion:

(1) Compressed natural gas (CNG);

(2) Gasoline-electric hybrid;

(3) Diesel or bio-diesel;

(4) Liquid propane; or

(5) Ethanol (E85).

(c) A company that fails to comply with the requirements of paragraph (a) or (b) shall be subject to suspension or revocation of its CAPS-DC approval, and may be required to refund to the Office any grant provided to the company for the acquisition of WMATA vans.

1806.6 Prior to providing wheelchair service, each taxicab operator shall:

(a) Have completed wheelchair service training approved by the Office, including either:

(1) Current training offered by an approved company pursuant to § 1806.7 which teaches a curriculum developed by the Office, including interfacing with persons with disabilities, operating mobility equipment, passenger assistance techniques, and operating wheelchair accessible vehicles;

(2) Prior training offered in connection with rollDC; or

(3) A combination of subparagraphs (1) and (2) as determined by the Office to be sufficient to meet the needs of CAPS-DC;

(b) Pass a written examination, administered by the Office, establishing the operator's competency to provide wheelchair service consistent with the Office's curriculum; and

(c) Be issued an Accessible Vehicle Identification ("AVID") operator's license by the Office.

1806.7 Each company shall offer wheelchair service training to its associated operators to allow them to obtain AVID licenses consistent with the provisions of § 1806.6, and shall provide reasonable incentives to operators to obtain such training.

1806.8 Each company shall maintain with the Office a current and accurate inventory of all active operators and vehicles approved for and providing CAPS-DC service, updated in such manner and at such times as determined by the Office, with the following information:

(a) For each operator: name, cellular telephone number, DCTC operator's license number, and an indication of whether the operator has completed the wheelchair service training pursuant to § 1806.6, and, if so, the date of completion; and

(b) For each vehicle: year, make, model, color, PVIN, tag number, and an indication of whether the vehicle is wheelchair accessible.

1806.9 Each company shall ensure that:

(a) Each operator:

(1) Possesses a current and valid DCTC operator's license; and

(2) If the operator is operating a wheelchair accessible vehicle, the operator has a wheelchair service certification, as required by § 1806.6, and has been issued an AVID operator's license.

(b) Each vehicle:

(1) Is in compliance with all applicable provisions of this title, including: vehicle licensing requirements; uniform color scheme requirements in Chapter 5; and equipment requirements in Chapter 6 (including the requirements for a modern taximeter system (MTS) unit and a uniform dome light);

(2) If it is a wheelchair accessible vehicle, is operated only by an operator trained to provide wheelchair service, as required by this chapter;

(3) If it is a wheelchair accessible vehicle, other than a WMATA van, or a wheelchair accessible vehicle that was associated with the company prior to its approval to participate in CAPS-DC, meets all applicable provisions of this chapter for use in CAPS-DC; and

(4) Has an MTS unit which complies with § 603, which has been configured to report CAPS-DC trip data in the format directed by the Office, allowing the Office to identify CAPS-DC trips.

1806.10 The rates and charges, and acceptable forms of payment, for each CAPS-DC trip shall be in accordance with the following requirements:

(a) The fare for a CAPS-DC trip shall be the flat rate of thirty three dollars ($33), plus any gratuity which a passenger chooses to add to the total fare, payable as follows:

(1) Twenty eight dollars ($28) shall be paid with the CAPS-DC debit card; and

(2) Five dollars ($5.00) of the CAPS-DC fare shall be paid by any means allowed by Chapter 8 other than the CAPS-DC debit card, including a different payment card or cash;

(b) Each CAPS-DC passenger shall be charged a flat rate fare of five dollars ($5) per CAPS-DC trip, with the remaining fare of twenty eight dollars ($28) to be paid by the CAPS-DC debit card.

(c) No passenger surcharge shall be collected from a passenger for a CAPS-DC trip.

1806.11 Each company shall make CAPS-DC service available through a telephone dispatch service to any CAPS-DC participant who requests service. Each company may also make CAPS-DC service available through a single digital dispatch service. All dispatch services shall be provided in accordance with the provisions of Chapter 16.

1806.12 Each company shall accept each booking for a CAPS-DC trip anywhere within the District which is made at least one (1) hour prior to service.

1806.13 Each company shall provide service using its WMATA vans in the following descending order of priority to the extent permitted by all applicable laws:

(a) A CAPS-DC passenger, for which the fare shall be consistent with § 1806.10;

(b) Any passenger requesting a wheelchair accessible vehicle, for which the fare shall be consistent with the provisions of Chapter 8; and

(c) Any other passenger, for which the fare shall be consistent with the provisions of Chapter 8.

1806.14 Each company shall ensure that wheelchair service is available at all times when CAPS-DC service or booking is required to be available under this chapter.

1806.15 Each CAPS-DC trip shall be between a WMATA-approved dialysis center in the District and another location in the District, or vice-versa.

1806.16 Each company shall require each operator to verify that the photograph and information on the passenger's MetroAccess Card matches the information on the CAPS-DC debit card prior to the start of a CAPS-DC trip.

1806.17 Each company shall provide invoices and reports of its CAPS-DC trips and its compliance with this chapter at such times and in such forms as directed in an applicable issuance, instruction, or guidance issued by the Office.

1806.18 Where a vehicle dispatched to pick up a CAPS-DC passenger is unable to render service for any reason, including the passenger's inability to pay or equipment (vehicle or MTS unit) malfunction, the following provisions shall apply:

(a) The operator shall immediately notify the passenger and the company of the circumstances;

(b) If the passenger is unable to pay, the operator shall provide service and the company shall promptly notify the Office and make appropriate arrangements for payment; and

(c) If there has been an equipment malfunction, the company shall immediately dispatch another vehicle to that location. The passenger may choose to wait inside the first vehicle until the second vehicle arrives, at no charge to the passenger. The operator shall comply with the requirements in Chapter 6 concerning equipment malfunctions.

An operator who fails to comply with part (a), (b), or (c) of this subsection shall be subject to a civil fine of two hundred fifty dollars ($250). A company which fails to comply with part (b) or (c) shall be subject to a civil fine of five hundred dollars ($500).

1807 PROHIBITIONS

1807.1 No company or operator shall charge a CAPS-DC passenger a rate higher than the rates established by this chapter, or require payment in a form not authorized by this chapter.

1807.2 No company or operator shall participate in providing CAPS-DC wheelchair service unless the operator has an AVID license.

1807.3 No company or operator shall fail to provide CAPS-DC service at such time and in such manner as required by this chapter.

1807.4 No operator shall violate an applicable provision of this chapter.

1807.5 No company shall violate an applicable provision of this chapter.

1808 PENALTIES

1808.1 Each violation of this chapter by a company or operator shall subject the company or operator to a civil fine and/or other penalty as established by a provision of this chapter, provided however, that any pattern of non-compliance with the provisions of this chapter by a company shall also subject the company to the suspension, revocation, and/or non-renewal of its CAPS-DC approval.

1808.2 Except where otherwise specified in this chapter, the following civil fines are established for violations of this chapter, which shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter:

(a) A civil fine of five hundred dollars ($500) dollars where no civil fine is enumerated for a violation by a company; and

(b) A civil fine of two hundred fifty dollars ($250) dollars where no civil fine is enumerated for a violation by an operator.

1808.3 The enforcement of any provision of this chapter shall be governed by the applicable procedures of Chapter 7.

CHAPTER 8, OPERATION OF TAXICABS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

A new Subsection 801.12 is added to read as follows:

801.12 Notwithstanding any provision of this chapter, taxicab companies and operators approved to participate in the Coordinated Alternative to Paratransit Service (CAPS-DC), while providing CAPS-DC service pursuant to Chapter 18, shall charge the rates, charges, and fares set forth in Chapter 18.

CHAPTER 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

9901 DEFINITIONS

9901.1 The following words and phrases shall have the meanings ascribed:

"ADA" – the Americans with Disabilities Act as defined in this chapter.

"Americans with Disabilities Act" – the Americans with Disabilities Act of 1990 (104 Stat. 328; 42 U.S.C. §§ 12101 *et seq.*).

"Accessible Vehicle Identification" or "AVID" – an operator's license that allows its bearer to operate a wheelchair accessible vehicle and any other type or class of public vehicle-for-hire.

"CAPS-DC" - "Coordinated Alternative to Paratransit Services" as defined in this chapter.

"CAPS-DC debit card" – a payment card issued by the District to MetroAccess participants who have consented to participate in CAPS-DC.

"CAPS-DC MOU" – a memorandum of understanding between WMATA and the District, executed on June 23, 2014, and any amendments, modifications, or novations thereof, providing general terms, conditions, and requirements for WMATA's and the District's participation in the CAPS-DC Pilot Program.

"CAPS-DC trip" – a one-way trip to or from a participating CAPS-DC dialysis center.

"CNG vehicle" - an automobile powered exclusively by compressed natural gas.

"Coordinated Alternative to Paratransit Services" – a pilot program to provide paratransit service, including wheelchair accessible service, to dialysis patients.

"MetroAccess Card" – an identification card issued by WMATA to passengers who participate in its MetroAccess program.

"Office" - the Office of Taxicabs established pursuant to section 13 of the District

of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301 *et seq*. (2013 Repl.)).

"rollDC" - the Metropolitan Washington Council of Government's Wheelchair Accessible Taxicab program.

"Washington Metropolitan Area Transit Authority– the regional transportation agency created by interstate compact to serve the Washington Metropolitan Area.

"Wheelchair accessible vehicle" - a vehicle compliant with the Americans with Disabilities Act and its implementing regulations, including 49 C.F.R. Part 38.1- 38.39, which accommodates a passenger using a wheelchair or other personal mobility device who needs a ramp or lift to enter or exit the vehicle.

"Wheelchair service" – service provided by a wheelchair accessible vehicle.

"WMATA" - "Washington Metropolitan Area Transit Authority" as defined in this chapter.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19) (2012 Repl. & 2013 Supp.), 50-313 (2012 Repl. & 2013 Supp.), 50-319 (2012 Repl. & 2013 Supp.), and 50-320 (2012 Repl. & 2013 Supp.)) and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.), hereby gives notice of its intent to adopt a new Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The new Chapter 99 consolidates all definitions used in this title, including definitions contained in the proposed new Chapter 18, and places them into a single chapter. The proposed rule for a new Chapter 99 of DCMR Title 31 was originally approved by the Commission for publication on April 9, 2014 and published in the *D.C. Register* on May 16, 2014, at 61 DCR 5048. The Commission received comments on the proposed rulemaking for Chapter 99 during the comment period, which ended on June 15, 2014.

The proposed rule for a new Chapter 18 of DCMR Title 31 was originally approved by the Commission on June 11, 2014, and was published in the *D.C. Register* on July 4, 2014 at 61 DCR 6840. The Commission received comments on the proposed rulemaking for a new Chapter 18 during the comment period which ended on August 3, 2014. All comments received were carefully reviewed and considered, but did not require the Commission to make any substantial changes and no substantial changes have been made. The changes made correct grammar, clarify initial intent, clarify proposed procedures, or lessen the burdens established by the proposed rules.

This final rulemaking was adopted on August 6, 2014, and will take effect upon publication in the *D.C. Register*.

A new Chapter 99, DEFINITIONS, is added as follows:

CHAPTER 99 DEFINITIONS

9900 APPLICATION AND SCOPE

9900.1 This chapter establishes definitions for terms used throughout this title.

9900.2 In the event of a conflict between a definition in this chapter and a definition in another chapter of this title, the more specific definition shall apply.

9901 DEFINITIONS

9901.1 For the purposes of this title, the following words and terms shall have the meanings ascribed:

"Accessible Vehicle Identification" – an operator's license that allows its bearer to operate a wheelchair accessible vehicle and any other type or class of public vehicle-for-hire.

"Act" - the District of Columbia Taxicab Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301 *et seq*. (2012 Repl. & 2013 Supp.).

"Active status" – a status in which an operator or vehicle participates in providing service without a cessation of any nature or duration, or without an interruption of more than ten (10) calendar days.

"ADA" – the Americans with Disabilities Act as defined in this chapter.

"Administrative Procedure Act" - The District of Columbia Administrative Procedure Act, effective October 8, 1975, (D.C. Law 1-19; D.C. Official Code §§ 2-502 *et seq*. (2012 Repl. & 2013 Supp.)).

"Affiliated" - Common ownership.

"Americans with Disabilities Act" – the Americans with Disabilities Act of 1990 (104 Stat. 328; 42 U.S.C. §§ 12101 *et seq.*).

"Associated" - voluntarily related through employment, contract, joint venture, ownership, agency or other legal affiliation. For the purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.

"Association" - a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, name, logo, or insignia. For the purposes of this title, an association not in writing shall be ineffective for compliance purposes.

"AVID" – an Accessible Vehicle Identification as defined in this chapter.

"Black car" - a sedan that:

(a) Is a Luxury Class Vehicle;

(b) Is not stretched;

(c) Is any solid black or dark color; and

(d) Has a passenger volume of at least ninety five (95) cubic feet, according to the EPA (available at: http://www.fueleconomy.gov/feg/powerSearch.jsp).

"Black car service" - a public vehicle-for-hire service provided by a black car and operated in accordance with Chapter 14 of this title.

"Booked trip" – a trip that has been agreed to and accepted by the customer.

"CAPS-DC" - "Coordinated Alternative to Paratransit Services" as defined in this chapter.

"CAPS-DC debit card" – a payment card issued by the District to MetroAccess participants who have consented to participate in CAPS-DC.

"CAPS-DC MOU" – a memorandum of understanding between WMATA and the District, executed on June 23, 2014, and any amendments, modifications, or novations thereof, providing general terms, conditions, and requirements for WMATA's and the District's participation in the CAPS-DC Pilot Program.

"CAPS-DC trip" – a one-way trip to or from a participating CAPS-DC dialysis center.

"Cash payment" - a payment to the operator by the passenger inside the vehicle using cash. A cash payment is a form of in-vehicle payment.

"Cashless payment" - a payment to the operator by the passenger made inside the vehicle other than by cash, which shall include a payment by payment card and may include another form of non-cash payment that a payment service provider is approved to provide under Chapter 4 (such as near-field communication and voucher). A "digital payment" is not considered a cashless payment.

"Clean Hands Act" - The Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code § 47-2862 (2012 Repl.)).

"CNG vehicle" - an automobile powered exclusively by compressed natural gas.

"Commission" - the District of Columbia Taxicab Commission established under § 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-304 (2012 Repl.).

"Commissioner" – a Commissioner of the D.C. Taxicab Commission, or his or her designated agent, except as to Chapter 9, which shall refer to a Commissioner of the Department of Insurance, Securities, and Banking, or his or her designated agent.

"Company" - a person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs utilizing the same identifying name, logo, or insignia, as approved by the Office of Taxicabs.

"Complainant" – a member of the public who submits a complaint.

"Compliance order" – an order issued by the Office of Taxicabs or a District enforcement official to any person regulated by this title or other applicable law, requiring the person to implement a measure or undertake an action to comply with a provision of this title or other applicable law.

"Consumer Personal Information Security Breach Notification Act" – The Consumer Personal Information Security Breach Notification Act of 2006, effective March 8, 2007 (D.C. Law 16-237; D.C. Official Code §§ 28-3851 *et seq.* (2012 Repl.)).

"Contract reservation" - an advance booking for limousine service that includes the start time and the hourly rate.

"Coordinated Alternative to Paratransit Services" – a pilot program to provide paratransit service, including wheelchair accessible service, to dialysis patients.

"Customer" – a person that requests public vehicle-for-hire service, including a passenger or any other person that requests service on behalf of another person.

"Day" – a calendar day unless otherwise stated.

"D.C." – the District of Columbia.

"DCRA" – the Department of Consumer and Regulatory Affairs.

"DCTC" – the District of Columbia Taxicab Commission as defined in this section.

"DCTC operator's license" – a license issued by the Office allowing its bearer to operate a taxicab, limousine, or black car.

"DCTC ID card" – a DCTC operator license identification card as defined in this section.

"DCTC operator license identification card"– a licensing document (a card) stating that its bearer is licensed by the Office to operate one or more classes of public vehicle-for-hire as stated on the document.

"DCTC public vehicle-for-hire license" - a vehicle license issued pursuant to D.C. Official Code § 47-2829(h) (2012 Repl.).

"DDS" – a digital dispatch service as defined in this chapter.

"Digital dispatch" – an advance reservation for a public vehicle-for-hire made via computer, mobile phone application, text, email, or by other means as the Commission may define by rule.

"Digital dispatch service" – a business that provides digital services to connect passengers to public vehicles-for-hire.

"Digital payment" - a non-cash payment processed by a digital dispatch service and not by the vehicle operator. A "cashless payment" is not considered a digital payment.

"Digital services" - digital dispatch, or both digital dispatch and digital payment, for public vehicles-for-hire.

"Dispatch service" - a business that offers telephone dispatch or digital services for public vehicles-for-hire.

"Dispatch" - booking a public vehicle-for-hire service by advance reservation consisting of a request for service from a person seeking service, an offer of service by the dispatch service, an acceptance of service by the person seeking service, and an acknowledgement by the dispatch service that includes an estimated time of arrival of a booked vehicle.

"Dispatch or payment solution" - any combination of technology, such as a tablet or smartphone running an app provided by a DDS, which, together, allows the DDS to provide taxicabs with digital dispatch or digital dispatch and digital payment.

"District" - the District of Columbia.

"District enforcement official" - a public vehicle inspector officer (hack inspector) or other authorized official, employee, general counsel or assistant general counsel of the Office, or any law enforcement officer authorized to enforce a provision of this title.

"District of Columbia Taxicab Commission" - the District of Columbia Taxicab Commission established under § 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-304 (2012 Repl.).

"District of Columbia Taxicab Commission (DCTC) License" – a taxicab vehicle license issued pursuant to D.C. Official Code § 47-2829(d) (2012 Repl.).

"Dome light" - an instrument or device approved by the Commission which is attached to the top of a licensed taxicab to illuminate the assigned PVIN and display the vehicle's availability for hire.

"Dome light installation business" - a business that engages, in whole or in part, in the manufacture, sale (whether of new or used equipment), installation, repair, or adjustment of dome lights for use on licensed taxicabs.

"Double seal" – a lead seal installed, in addition to a seal (as defined in this chapter) by a taximeter installation business, to ensure that the taximeter cannot be removed or replaced except as allowed by regulatory requirements.

"Driver" – an operator of a vehicle.

"EPA" – the United States Environmental Protection Agency.

"Fleet" – a group of twenty (20) or more taxicabs having the same name, logo, or insignia and having unified control by ownership or by association.

"FOIA" – the Freedom of Information Act as defined in this chapter.

"Freedom of Information Act" – The District of Columbia Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531 *et seq.* (2012 Repl.)).

"Gratuity" - a voluntary payment by the passenger after service is rendered, in an amount determined solely by the passenger.

"Group riding" - a group of two (2) or more passengers composed prior to the booking of a trip by dispatch or street hail and whose trip has a common point of origin and different or common destinations.

"Hack-up" - to outfit a vehicle as a taxicab and obtain approval from the Office for that vehicle to serve as a taxicab for the first time.

"Identification card" or **"Face card"** – a licensing document reflecting that the bearer has been granted a DCTC operator's license pursuant to D.C. Official Code § 47-2829(e) (2012 Repl.).

"Implementation date" - the date for implementation of one or more provisions of a chapter as stated in the chapter.

"Impoundment" - impoundment that occurs pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331 (2012 Repl.)).

"Independently operated taxicab" – an independent taxicab as define in this chapter.

"Independent taxicab" - a taxicab operated by an individual owner who is not part of a fleet, company, or association and who does not operate under the name, logo, or insignia of any fleet, company, or association.

"Individual riding" - the transportation of a single passenger for an entire trip.

"Integration" - a commercial arrangement between a payment service provider and a digital dispatch service for the real-time sharing of electronic information between such businesses that complies with industry best practices and allows each of them to meet all obligations imposed by this chapter.

"Integration agreement" - an agreement between a payment service provider and a digital dispatch service to allocate the rights and obligations pertaining to integration under this chapter.

"Integration service fee" - a fee paid by the vehicle owner to the payment service provider for the use of the modern taximeter system when a digital payment is made.

"In-vehicle payment" - a payment made to the operator by the passenger inside the vehicle, consisting only of a cash payment or a cashless payment. A digital payment is not an in-vehicle payment.

"LCS service" – luxury class service as defined in this chapter.

"LCS vehicle" – luxury class service vehicle as defined in this chapter.

"License" - includes the whole or part of any permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission granted by the Mayor or any agency (as defined in the

Administrative Procedure Act, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-502 (2012 Repl. & 2013 Supp.)).

"Licensing document"- a physical or electronic document issued to a person as evidence that such person has been issued a license pursuant to this title, such as a DCTC operator's identification card.

"Limousine" - a public vehicle-for-hire, having a seating capacity of nine (9) or fewer passengers, exclusive of the driver, with three (3) or more doors that operates exclusively through advanced reservation or by contract fixed solely by the hour (also known as a contract livery) and which shall not accept street hails.

"Limousine service" - a public vehicle-for-hire service provided by any LCS vehicle operated by an operator who possesses a DCTC operator's license, where the trip is booked by advance reservation and the fare is calculated by time.

"Livery tags" - vehicle tags issued by a motor vehicle licensing agency for a public vehicle-for-hire used to provide luxury class services, including the "L" tags issued by the Department of Motor Vehicles.

"Loitering" - waiting around or in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity; stopping in such locations, except to take on or discharge a passenger; or unnecessarily slow driving in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity.

"Luxury class service"– limousine or black car service.

"Luxury class vehicle" - a public vehicle-for-hire that:

(a) Is a "Luxury Sedan", an "Upscale Sedan", "Sport Utility Vehicle" ("SUV"), "Large Sedan", or "Midsize Station Wagon" as defined by the EPA (available at: http://www.fueleconomy.gov/feg/powerSearch.jsp), provided, however, that if it is an SUV, it has a passenger volume of at least one hundred twenty (120) cubic feet;

(b) Does not have a manufacturer's rated seating capacity of ten (10) or more persons; and

(c) Is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis.

"MetroAccess Card" - an identification card issued by WMATA to passengers who participate in its MetroAccess program.

"Modern taximeter system" - a technology solution that combines taximeter equipment and payment service provider ("PSP") service and support in the manner required by this title.

"Modern taximeter system unit" - the MTS equipment installed in a particular vehicle.

"MTS" – a modern taximeter system as defined in this section.

"MTS unit" – a modern taximeter system unit as defined in this section.

"Office" - the Office of Taxicabs established pursuant to § 13 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 (2012 Repl.)).

"Office order"- an administrative issuance by the Office to a class of persons or vehicles regulated by a provision of this title or other applicable law that: adopts a form; issues a guideline or protocol applicable to persons other than employees of the Office; provides guidance concerning a provision of this title; or takes any action that the Office deems necessary for purposes of administration, enforcement, or compliance.

"Operator" - a person who operates a public vehicle-for-hire.

"Owner" - A person, individual, partnership, company, association, or corporation that holds legal title to a public vehicle-for-hire which is licensed by the Office or the registration of which is required in the District of Columbia to own and operate a taxicab or taxicabs. For purposes of Chapters 4 and 12 of this title the term "owner" may include a mortgagor if the mortgagor of a public-vehicle-for-hire is entitled to possession. The term may also include a lessee, a trustee, or a receiver appointed by a court, operating, controlling, managing, or renting a passenger vehicle-for-hire in the District of Columbia except as to operations licensed under D.C. Official Code § 47-2829(d) (2012 Repl.). The term does not include common carrier which have been expressly exempted from the jurisdiction of the Commission.

"Passenger surcharge" - a fee, which is currently set at twenty-five cents ($.25), required to be assessed to and collected from passengers and remitted to the District for each public vehicle-for-hire trip as required by this title and which shall not exceed fifty cents ($.50).

"Payment card" - a credit or debit card, including Visa, MasterCard, American Express, and Discover.

"Payment information on file" - a payment card, direct debit, or pre-paid account that allows a person to process a payment without requiring the person authorizing the payment to present the original payment information.

"Payment service provider" - a business that offers a modern taximeter service or MTS, which, if approved by the Office, may operate such MTS pursuant to this title.

"Person" - shall have the meaning ascribed to it in the District of Columbia Administrative Procedure Act, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-502 (2012 Repl. & 2013 Supp.) and shall specifically include a firm, company, institution, receiver, or trustee, and, is further defined as including, any individual, company, business, association or entity regulated by this title, any individual or entity that engages in an activity regulated by this title which requires District of Columbia Taxicab Commission licensure or authorization to operate but has not obtained such appropriate license or authorization, or any individual or entity whose District of Columbia Taxicab Commission license or authorization has lapsed, been suspended, or been revoked.

"Personal service" – in the context of the provision of taxicab service to a passenger, assistance or service requested by a passenger that requires the taxicab operator to leave the vicinity of the taxicab.

"PSP" – Payment service provider as defined in this chapter.

"Public vehicle-for-hire" - (a) a passenger motor vehicle operated in the District by an individual or any entity that is used for the transportation of passengers for hire, including as a taxicab, limousine, or black car; or (b) any other passenger motor vehicle that is used for the transportation of passengers for hire but is not operated on a schedule or between fixed termini and is operated exclusively in the District, or a vehicle licensed pursuant to D.C. Official Code § 47-2829 (2012 Repl.), including taxicabs, limousines, and black cars.

"Public vehicle-for-hire identification number" - a unique number assigned by the Office to a public vehicle-for-hire.

"Public vehicle inspection officer" – a Commission employee trained in the laws, rules, and regulations governing public vehicle-for-hire services to ensure the proper provision of service and to support safety through street

enforcement efforts, including traffic stops of public vehicles-for-hire, pursuant to protocol established by the Commission.

"PVIN" – Public vehicle-for-hire identification number as defined in this chapter.

"Rate of fare" - the established fare which may be charged by a licensed taxicab other than for trips booked through digital dispatch, which fare has been promulgated by the Commission and may include, but is not limited to, surcharges and waiting times.

"Respondent" - a person against whom an enforcement action is taken a public complaint is made, or an order of investigation or order to show cause is directed.

"Revocation" – the permanent recall or annulment of a privilege or authority granted by the Office.

"rollDC" - the Metropolitan Washington Council of Government's Wheelchair Accessible Taxicab program.

"Seal" - a device, approved by the Commission, which may be installed on a taximeter, wire, wiring mechanism, gear or other device, so that no adjustment, repair, alteration or replacement can be made without removing or mutilating the seal or seals.

"Shared riding" - a group of two (2) or more passengers, arranged by a starter at Union Station, Verizon Center, or Nationals Park, or other locations designated by an administrative order of the Office, that has common or different destinations.

"Smoking Restriction Act" - the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1703(5) (2012 Repl.)).

"Street" - a roadway designated on the Permanent System of Highways of the District of Columbia as a public thoroughfare.

"Surcharge account" - an account established and maintained with the District for the purpose of processing the passenger surcharge.

"Surcharge bond"- a bond payable to the D.C. Treasurer for the purpose of securing the payment of passenger surcharges to the District.

"Suspension" – a temporary bar of a person from the privilege or authority conferred by the Office for a period of time after which period the

privilege or authority is automatically re-instated or the person must request re-instatement.

"Taxicab" - a public passenger vehicle-for-hire having a seating capacity of eight (8) or fewer passengers, exclusive of the driver, that may be hired by dispatch or hailed on the street and for which the fare charged is calculated by an Office-approved meter with uniform rates determined by the Commission.

"Taxicab commission information system" - the information system operated by the Office.

"Taximeter fare"- the fare established by this title for use by taxicabs other than for trips booked by a digital dispatch service.

"Taximeter" - an instrument or device approved by the Office by which the charge to a passenger for the hire of a licensed taxicab is automatically calculated and on which such charge is plainly indicated.

"Taximeter business" - a business which engages, in whole or in part, in the manufacture, sale (whether of new or used equipment), installation, repair, adjustment, testing, sealing, or calibrating of taximeters, for use upon a licensed vehicle in the District of Columbia including any business which engages in whole or in part in the installation of taxicab dome lights.

"Taximeter business owner" - an individual, partnership or corporation licensed by the Office to own and operate a taximeter business.

"Taximeter test" - a method to determine compliance with distance and time tolerances, utilizing either a road test over a precisely measured road course or a simulated road test determining the distance traveled by use of a roller device, or by computation from rolling circumference and wheel-turn data, said test having been conducted in accordance with the National Institute of Standards and Technology Handbook No. 44.

"TCIS" – a taxicab commission information system as define in this chapter.

"Telephone dispatch" - dispatch which originates by telephone.

"Telephone dispatch service" - a taxicab company which provides telephone dispatch for taxicabs.

"Tour of duty" - the period of time when an operator is signed into an MTS or digital payment system.

"Trip" - a trip provided by a public vehicle-for-hire licensed by the Office to one (1) or more passengers at the same time which either originated in the District or originated outside of the District, pursuant to a valid reciprocity agreement and for which a fare is or should have been collected.

"Trunk tote" - a tote bag maintained by the vehicle operator to carry necessities for emergencies and essential tools as described in this title.

"Vehicle" – a public vehicle-for-hire subject to licensing and regulation by the Commission.

"Washington Metropolitan Area" - the area encompassed by the District; Montgomery County, Prince Georges County, and Frederick County in Maryland; Arlington County, Fairfax County, Loudon County, and Prince William County and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

"Washington Metropolitan Area Transit Authority" – the regional transportation agency created by interstate compact to serve the Washington Metropolitan Area.

"Wheelchair accessible vehicle" - a vehicle compliant with the Americans with Disabilities Act and its implementing regulations, including 49 C.F.R. Part 38.1- 38.39, which accommodates a passenger using a wheelchair or other personal mobility device who needs a ramp or lift to enter or exit the vehicle**.**

"Wheelchair service" – service provided by a wheelchair accessible vehicle.

"Wiring harness" - a wire or collection of wires, including all connections thereto, which is connected in any manner whatsoever to a taximeter or in any way affects the operation of a taximeter.

"WMATA" - "Washington Metropolitan Area Transit Authority" as defined in this chapter.

Chapter 3, PANEL ON ADJUDICATION: RULES OF ORGANIZATION AND PROCEDURE is amended as follows:

Subsection 399, DEFINITIONS, is deleted and reserved.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS is amended as follows:

Subsection 499, DEFINITIONS, is deleted and reserved.

Chapter 5, TAXICABS COMPANIES, ASSOCIATIONS, AND FLEETS, is amended as follows:

Subsection 599, DEFINITIONS, is deleted and reserved.

Chapter 6, TAXICAB PARTS AND EQUIPMENT is amended as follows:

Subsection 699, DEFINITIONS, is deleted and reserved.

Chapter 7, ENFORCEMENT, is amended as follows:

Subsection 799, DEFINITIONS, is deleted and reserved.

Chapter 8, OPERATION OF TAXICABS is amended as follows:

Subsection 899, DEFINITIONS, is deleted and reserved.

Chapter 9, INSURANCE REQUIREMENTS, is amended as follows:

Subsection 999, DEFINITIONS, is deleted and reserved.

Chapter 12, LUXURY SERVICES – OWNERS, OPERATORS, AND VEHICLES, is amended as follows:

Subsection 1299, DEFINITIONS, is deleted and reserved.

Chapter 13, LICENSING AND OPERATIONS OF TAXI METER COMPANIES is amended as follows:

Subsection 1399, DEFINITIONS, is deleted and reserved.

Chapter 14, OPERATION OF SEDANS, is amended as follows:

Subsection 1499, DEFINITIONS, is deleted and reserved.

Chapter 15, LICENSING AND OPERATIONS OF DOME LIGHT INSTALLATION COMPANIES, is amended as follows:

Subsection 1599, DEFINITIONS, is deleted and reserved.

Chapter 16, DISPATCH SERVICES, is amended as follows:

Subsection 1699, DEFINITIONS, is deleted and reserved.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 14-03
Z.C. Case No. 14-03
(Text Amendment to § 2802.1)
July 28, 2014

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of adoption of the following text amendment to the Zoning Regulations of the District of Columbia, at Chapter 28 (Hill East (HE) District), Title 11 (Zoning), of the District of Columbia Municipal Regulations (DCMR). A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 18, 2014 at 61 DCR 4033 and a Notice of Second Proposed Rulemaking containing revised text was published in the *D.C. Register* on June 27, 2014 at 61 DCR 6472. The amendment shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendment

The text amendment permits the location of an emergency shelter for up to one hundred (100) persons in Building 27 of the District of Columbia General Hospital Campus for a period of five (5) years. The amendment results from the need to relocate the Harriet Tubman Women's Shelter, previously situated in Building 9 of the District of Columbia General Hospital Campus, after an assessment of the building revealed environmental hazards, such as elevated concentrations of airborne asbestos and the presence of materials containing lead. Originally, Building 9 was to be renovated, but after publication of the first notice of proposed rulemaking, the Department of Human Services (DHS) determined that such renovations would be too costly and determined that Building 9 should be demolished. During the planning process for the location of a new site, DHS and the Department of General Services (DGS) required a temporary location for the shelter within the campus. Building 27 was identified and determined as an appropriate location for the emergency shelter on a temporary basis.

The text amendment was adopted on an emergency basis at the Commission's public hearing on March 10, 2014. The amendment has been revised, based on public comments and testimony, and now includes a five (5) year time limit on the emergency shelter use in Building 27. The five (5) year period will begin on the date this final order is published in the *D.C. Register*.

Procedures Leading to Adoption of Amendment

On February 28, 2014, the Office of Planning (OP) submitted a memorandum that served as a petition requesting amendments to the regulations. The proposed text amendment to 11 DCMR § 2802.1 added a new provision to the matter of right uses permitted in the Hill East District allowing the use of either Building 9 or Building 27 as an emergency shelter for up to one hundred (100) persons, not including supervisors or staff and their families.

On March 10, 2014, during its regularly scheduled public hearing, the Commission voted to adopt the amendment on an emergency basis, to set down the text amendment for a public hearing, and to authorize the immediate publication of a Notice of Emergency and Proposed Rulemaking. Considering the environmental hazards present in the existing shelter, the Commission accepted the Department of Human Service's conclusion that the emergency adoption of this amendment was necessary for the "immediate preservation of the public … health [and] safety." D.C. Official Code § 2-505(c) (2012 Repl.). A Notice of Public Hearing was published in the April 18, 2014 edition of the *D.C. Register* at 61 DCR 3988. A Notice of Emergency and Proposed Rulemaking was also published in the *D.C. Register* on April 18, 2014 at 61 DCR 4033. Accordingly, the emergency rule was scheduled to expire on July 8, 2014, which was the one hundred-twentieth (120th) day after the adoption of the rule.

In response to notice given pursuant to § 13 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10), the Commission received a written report from Advisory Neighborhood Commission (ANC) 6B. In a report dated May 14, 2014, ANC 6B indicated that, at a properly noticed meeting with a quorum present, it voted 9-0-1 in opposition to the text amendment. The ANC noted that it supports the demolition of Building 9 and the relocation of shelter residents to safer housing, but raised concerns that the text amendment would allow for this purported temporary use to become a permanent one, potentially stalling the proposed redevelopment of the Hill East site. Instead, ANC 6B suggested amending § 2803.6 (b) to permit the use in Building 27 by special exception and limiting the use to a two (2) year period. Second, if the Commission decided to permit the Building 27 use by right, the ANC recommended imposing the same two (2) year time limit.

On May 23, 2014, OP filed its final report. OP responded to ANC 6B's concerns about the emergency shelter use becoming permanent and hindering redevelopment of the Hill East area, noting that the text amendment would only allow for shelter use as a matter of right in a single building and would not permit expansion of the shelter. The District Department of Transportation (DDOT) submitted a report on May 27, 2014 and indicated that the proposed amendment was unlikely to cause adverse impacts on the travel conditions of the District's transportation network.

On May 28, 2014, DHS submitted a letter in support of the text amendment. DHS also informed the Commission that, after hearing community feedback and further analyzing the building's condition, Building 9 will no longer be considered as a final location for the shelter. Instead, Building 9 will be demolished and DHS has initiated a planning process for a permanent shelter location within the next five (5) years. DHS also indicated the proposed two (2) year limit proposed by ANC 6B would not provide sufficient time to complete the planning process, the construction of a new facility, and the relocation of the shelter residents.

In response to the filings from ANC 6B and DHS, OP filed a supplemental report on May 29, 2014. The supplemental report provided two (2) revisions to the proposed text amendment. First, OP omitted the reference to Building 9, thus permitting the emergency shelter use in Building 27 only. Second, OP limited the time period of the emergency shelter use to five (5) years. This proposed time frame was based on ANC 6B's recommendation of a two (2) year limit and on DHS's suggestion that a five (5) year time frame was more feasible.

On June 5, 2014, the Commission held a public hearing and heard testimony from representatives of OP, DGS, DHS, and ANC 6B. Gbolahan Williams and Maurice Dunn, on behalf of DGS, and Lisa Franklin-Kelly, on behalf of DHS, responded to the Commission's questions regarding the status of the renovations of Building 27 and the projected timeline for the location of new emergency shelter facilities. Mr. Williams indicated that DGS had received a building permit from DCRA and that construction to renovate Building 27 would be underway in a week. Speaking to the project's potential timeframe, Ms. Franklin-Kelly estimated that that operation of the emergency shelter in Building 27 would be necessary for a period of three to five (3-5) years.

ANC 6B Chairman, Brian Flahaven, also provided testimony. Mr. Flahaven was supportive of OP's proposed time limit on the emergency shelter use, but reiterated ANC 6B's initial suggestion that the use be allowed only as a special exception. Mr. Flahaven also expressed concerns that the proposed five (5) year time limit is too long and suggested that a two (2) year time period would be appropriate. Mr. Flahaven contended that a shorter time limitation would require the agencies involved to return to the Commission to request additional relief, if necessary, and report to the community on their progress.

At the conclusion of the public hearing, the Commission authorized the publication of a notice of second proposed rulemaking in the *D.C. Register* to reflect OP's recommended revisions and a referral of that text to the National Capital Planning Commission (NCPC) for the thirty (30) day period of review required under § 492 of the District Charter. A Notice of Second Proposed Rulemaking was published in the June 27, 2014 edition of the *D.C. Register* at 61 DCR 6472. No additional comments were received in response to the notice of second proposed rulemaking.

In a letter dated July 17, 2014, the NCPC Executive Director informed the Zoning Commission that, through a delegated action dated July 3, 2014, he found that the proposed text amendments were not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns raised in the affected ANC's written recommendation. Great weight requires the acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC's concerns. The written rationale for the decision must articulate with precision why the ANC does or does not offer persuasive evidence under the circumstances. In doing so, the Commission must articulate specific findings and conclusions with respect to each issue and concern raised by the ANC. *See* D.C. Official Code § 1-309.10(d)(3)(A) and (B).

The Commission finds that the ANC did not provide persuasive evidence that allowing this temporary, location-specific use would negatively affect the Hill East neighborhood. The Commission undertook the same analysis as it would have undertaken had a special exception been filed and afforded the public the same opportunity for comment. Moreover, the Commission finds that the text amendment is so limited in scope and the circumstances in which

it was requested so unique that it will not set a precedent for the introduction of similar uses. For this same reason the Commission agrees with OP that the limited amendment will not hinder the development of the Hill East District.

In response to ANC 6B's desire for a two (2) year time limit on the use, the Commission does not find the argument persuasive and, instead, adopts a five (5) year time limit. Crediting the testimony of DHS and DGS representatives, the Commission concludes that a two (2) year time frame would be impractical. The Commission considers the project an urgent matter, but does not anticipate that the length of the time period imposed by the text amendment will, on its own, ensure that the project is diligently implemented.

Title 11 of the District of Columbia Municipal Regulations, ZONING, is amended as follows:

Title 11 DCMR, Chapter 28, HILL EAST (HE) DISTRICT, § 2802, USES AS A MATTER OF RIGHT (HE), § 2802.1(f) is amended by striking the reference to "subparagraph (o)" and inserting a reference to "paragraph (g)" in its place; and

By amending § 2802.1(f)(3) by adding the phrase ", except that an emergency shelter for not more than one hundred (100) persons, not including supervisors or staff and their families shall be permitted in Building 27 for a period of five (5) years beginning on August 15, 2014;", so that the entire subsection reads as follows:

2802.1 The following uses shall be permitted as a matter of right in the HE District, provided that no use may be located on a site that has not been designated for that use by the Master Plan:

(a) Adult day treatment facility;

(b) Antenna, subject to the standards and procedures that apply to the particular class of antenna pursuant to Chapter 27 of this title;

(c) Child/Elderly development center;

(d) Church or other place of worship;

(e) Clinic;

(f) Community-based residential facility not described in paragraph (g), subject to the following limitations:

(1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families;

(2) Youth residential care home or community residence facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same Square or within a radius of five hundred (500) feet from any portion of the subject property; and

(3) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families, except that an emergency shelter for not more than one hundred (100) persons, not including supervisors or staff and their families shall be permitted in Building 27 for a period of five (5) years beginning on August 15, 2014;

(g) Community-based residential facility to be occupied by persons with a handicap plus resident supervisors, as permitted by right in residence and commercial districts pursuant to 11 DCMR §§ 201.1 (f) and 330.5 (d);

(h) Fire Station;

(i) Government offices and facilities;

(j) Hotel or inn;

(k) Library, public or private;

(l) Museum;

(m) Office;

(n) Park or open space;

(o) Police Department Local Facility;

(p) Private club, restaurant, fast food restaurant, or food delivery service; provided, a fast food restaurant or food delivery service shall not include a drive-through;

(q) Public recreation and community center;

(r) Public school;

(s) Residential dwellings, including row dwellings, flats, and multiple dwellings; and

(t) Retail sales and services involving the sale, lease, or servicing of new or used products to the general public, or which provide personal services or entertainment, or provide product repair or services for consumer and business goods.

On June 5, 2014, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the petition at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On July 28, 2014, upon the motion of Commissioner Turnbull, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 15, 2014.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 4(a)(5)(A) (assigning authority to coordinate and manage public space permits and records to the DDOT Director), 5(4)(A) (assigning duty to review and approve public space permit requests to the DDOT Director), and 6(b) (transferring the public right-of-way maintenance function previously delegated to the Department of Public Works (DPW) under Section III(F) of Reorganization Plan No. 4 of 1983 to DDOT) of the Department of Transportation Establishment Act of 2002 ("DDOT Establishment Act"), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(4)(A), and 50-921.05(b) (2012 Repl. & 2014 Supp.)), and Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01, 10-1141.02, 10-1141.03, 10-1141.03a, 10-1141.05, and 10-1141.06 (2013 Repl. & 2014 Supp.)), which was delegated to the DPW Director pursuant to Mayor's Order 96-175, dated December 9, 1996, and D.C. Official Code §§ 10-1141.03(f), 10-1141.04(5), 10-1141.04(6), 10-1141.04(7), and 10-1141.04(8) (2013 Repl. & 2014 Supp.), and subsequently transferred to the DDOT Director in Section 7 of the DDOT Establishment Act (transferring to the DDOT Director all transportation-related authority previously delegated to the DPW Director) (D.C. Official Code § 50-921.06 (2012 Repl.)), hereby gives notice of the intent to adopt amendments to Chapter 33 (Public Right-of-way Occupancy Permits) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking implements amendments to the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01, 10-1141.02, 10-1141.03, 10-1141.03a, 10-1141.04, 10-1141.05, and 10-1141.06 (2013 Repl. & 2014 Supp.)) made by the Bicycle Safety Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-49; D.C. Official Code §§ 50-1401.01(a)(1)(B)(i), 50-2201.04d, 10-1141.03, 10-1104.04 (2014 Supp.)) by adding a new Section 3314 (Safe Accommodation for Pedestrians and Bicyclists) to Title 24 of the DCMR. The proposed regulations require permittees blocking a sidewalk or bicycle lane to provide a safe accommodation for pedestrians and bicyclists, clarify that the closing of a sidewalk or a bicycle lane is to be treated in the same manner as the closure of a lane of travel, define the term "safe accommodation," and add the requirement that, when applicable, traffic management plans submitted with a permit application must address safe accommodations prior to the DDOT Director approving the application. Additionally, the proposed rules require that signage used to direct pedestrians or bicyclists along a detour route must display a message that is specific to bicyclists or pedestrians. In addition, the proposed rules require that if a pedestrian or bicycle route must be closed intermittently during off-peak hours due to conflicts with construction activities or construction vehicles, flaggers must be posted at each end of closure to assure the safe and reasonable flow of pedestrian and bicycle traffic is maintained. Finally, the proposed rules provide that the DDOT Director may revoke a permit if the permittee fails to comply with Section 3314 or an approved traffic management plan, if revocation protects the public safety and welfare, or for any other reason authorized by law. In addition, the proposed rulemaking would amend Section 3399 (Definitions) of Title 24

of the DCMR to add definitions of the terms: bicycle lane, MUTCD, pedestrian, protected bicycle lane, public bicycle path, sharrow lane markings, and sidewalk.

The Director gives notice of the intent to take final rulemaking action in not less than thirty (30) days after the date of the publication of this notice in the *D.C. Register*.

Title 24, PUBLIC SPACE AND SAFETY, of the DCMR is amended as follows:

Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS, is amended as follows:

A new Section 3314 (Safe Accommodation for Pedestrians and Bicyclists) is added to read as follows:

3314 SAFE ACCOMMODATION FOR PEDESTRIANS AND BICYCLISTS

3314.1 A public right-of-way occupancy permit that authorizes blockage of a sidewalk, bicycle lane, or other public bicycle path shall require the permittee to provide a safe accommodation for pedestrians and bicyclists.

3314.2 The blockage of a sidewalk, bicycle lane, or other public bicycle path shall be treated in the same manner as the closure of a lane of motor vehicle traffic by applying similar temporary traffic control practices as would be applied to the closure of a lane of motor vehicle traffic for each permit issued. The design and placement of the temporary traffic control signs, devices and roadway markings shall be in compliance with the most recent edition of the Manual on Uniform Traffic Control Devices (MUTCD).

3314.3 The term "safe accommodation" means a safe and convenient route for pedestrians and bicyclists that ensures an accommodation through or around a work zone that is equal to the accommodation that was provided to pedestrians and bicyclists before the blockage of the sidewalk, bicycle lane, or other public bicycle path.

3314.4 (a) The safe accommodation for pedestrians shall meet or exceed the current DDOT standards, "Pedestrian Safety and Work Zone Standards – Covered and Open Walkways" including the following:

(1) Routing priority; provided that closing a sidewalk and routing pedestrians to the sidewalk on the opposite side of the street shall only be approved as a last resort for the duration of time needed to assure pedestrian safety in the absence of other practicable routing options;

(2) Compliance with the Americans with Disabilities Act of 1990, approved July 26, 1990 (Pub. L. 101-336, 42 U.S.C. §§ 12101 *et seq*.);

(3) Protecting pedestrians from adjacent construction activities;

(4) Covering the pedestrian walkway when overhead danger is present;

(5) Physically separating pedestrians from vehicular traffic;

(6) Covered walkway structural specifications; and

(7) Modification requests.

(b) The permittee shall maintain the pedestrian route free of obstructions and surface hazards, such as construction equipment, construction materials, debris, mud and loose gravel at all times.

(c) The routing for a safe accommodation for bicyclists shall replicate the safety level of the existing bicycle route, such as by providing:

(1) A route that is physically separated from motor vehicle traffic if a protected bicycle lane is blocked or providing a route that is for the exclusive use by bicyclists if a bicycle lane is blocked whenever feasible;

(2) A route which is free of obstructions and surface hazards, such as construction equipment, construction materials, debris, holes, mud, loose gravel, milled surfaces and uneven pavement; and

(3) A route that does not share a covered or open walkway with pedestrians.

(d) The method for providing the safe accommodation for bicyclists shall be prioritized as follows:

(1) Closing a parking lane and keeping the adjacent bicycle lane open;

(2) Shifting the bicycle lane to a location on the same roadway to by-pass the work zone, and if necessary, shifting and narrowing the adjacent motor vehicle traffic lanes; provided the adjacent motor vehicle travel lanes shall be maintained at no less than ten feet (10 ft.) wide;

(3) Closing the adjacent motor vehicle travel lane to provide space for a bicycle lane; provided that a minimum of one (1) motor vehicle travel lane shall remain in the same direction of travel;

(4) Merging the bicycle lane and the adjacent motor vehicle travel lane into a shared travel lane adjacent to the work zone, installing sharrow lane markings in the shared travel lane and installing work zone signage directing bicyclists to merge into the shared travel lane; provided the shared travel lane shall be maintained at no less than thirteen feet (13 ft.) wide; and

(5) As a last resort, detouring bicyclists onto an adjacent roadway, in which case the detour route shall replicate, as closely as practicable, the level of safety found on the bicycle route being blocked.

3314.5 Each applicant submitting a permit application to the Director which will result in the blockage of a sidewalk, bicycle lane, or other public bicycle path, shall submit for approval by the Director a traffic management plan that addresses safe accommodation for pedestrians and bicyclists before the issuance of a permit by the Director.

3314.6 The traffic management plan submitted to the Director pursuant to Section 3314.5 shall require MUTCD-complaint work zone signage, devices and roadway markings that adequately warn right-of-way users of upcoming changes and marks the alternate route as follows:

(a) Signage intended only for pedestrians shall display the word “pedestrians” or the pedestrian symbol and shall adequately warn of any route change and clearly mark the alternate route;

(b) Signage intended only for bicyclists shall display the word “bicycles,” the word “bicyclists,” or the bicycle symbol and clearly mark the alternate route;

(c) Signage shall adequately warn bicyclists and motorists alike of any lane shift or shared lane condition; and

(d) Any additional signage or roadway markings, such as signage or roadway markings for a lane shift, a sharrow lane, or a detour route, shall be provided and maintained for the length of the altered route.

3314.7 If a safe accommodation for pedestrians or bicyclists must be closed intermittently during off-peak hours due to conflicts with construction activities or construction vehicles, the traffic management plan submitted to the Director pursuant to Section 3314.5 shall require that:

(a) Flaggers be posted at each end of the closed pedestrian or bicycle route for the entire duration of time the intermittent closure is in place; and

(b) The safe and reasonable flow of pedestrian and bicycle traffic be maintained in preference to construction activities and the flow of construction vehicles.

3314.8 The Director may revoke a public right-of-way occupancy permit authorizing the blockage of a sidewalk, bicycle lane, or other pedestrian or bicycle path for any of the following reasons:

(a) The permittee fails to comply with a provision of Sections 3314.1 through 3314.7 above;

(b) The permittee does not comply with the traffic management plan approved by the Director;

(c) To protect the public safety and welfare; or

(d) Any other reason authorized by law.

Section 3399, DEFINITIONS, is amended as follows:

New definitions are added in alphabetical order to read as follows:

Bicycle lane – a portion of a roadway that has been designated for preferential or exclusive use by bicyclists by pavement markings and, if used, signs.

MUTCD – the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, Part 6, as approved by the Federal Highway Administration.

Pedestrian – a person travelling on foot or using a wheelchair or motorized wheelchair.

Protected bicycle lane – a bicycle lane which is physically separated from motor vehicle lanes or is buffered from a motor vehicle lane by a combination of roadway markings and delineator posts.

Public bicycle path – a right-of-way under the jurisdiction and control of the District of Columbia for use primarily by bicycles and pedestrians. (D.C. Official Code § 50-1609(6) (2012 Repl.)).

Sharrow lane markings – lane markings which indicate to motorists and bicyclists that the lane is intended to be shared by both motor vehicles and bicycles.

Sidewalk – the paved portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Samuel D. Zimbabwe, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to authority set forth in D.C. Official Code § 47-2851.20 (2012 Repl.), Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §2-1801.04 (2012 Repl.)), and Mayor's Order 99-68, dated April 28,1999, hereby gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions), and to add a new Chapter 9 (Prohibition on Sale of Synthetic Drugs) to Title 17 (Business, Occupations, and Professions), of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessary to the immediate preservation of the public welfare to bring enforcement regulations in line with Section 301 of the District of Columbia's Omnibus Criminal Code Amendments Act of 2012, effective June 19, 2013 (D.C. Law 19-320; 60 DCR 3390 (March 15, 2013)), which added synthetic drugs, such as synthetic marijuana and "bath salts", to the District of Columbia's schedule of controlled substances. This rulemaking supports various Federal Drug Enforcement Administration and Department of Justice regulations that make it illegal to buy, sell, or possess Schedule I controlled substances such as K2/Spice, synthetic drugs, or their equivalents because these substances pose an imminent hazard to public health, safety and welfare.

The emergency rulemaking provides enforcement penalties for businesses engaged in the sale, possession, or manufacture of synthetic drugs. The penalties would include business license suspensions and business license revocations.

This Notice of Second Emergency and Proposed Rulemaking supersedes the Notice of Emergency and Proposed Rulemaking published on April 25, 2014 at 61 DCR 4210, and Notice of Emergency Rulemaking published on June 20, 2014 at 61 DCR 6233. This Notice of Second Emergency and Proposed Rulemaking combines the previous two rulemakings into a single document by incorporating the Notice of Emergency Rulemaking into the Notice of Emergency and Proposed Rulemaking, but otherwise makes no substantive or technical changes. This Notice will provide the public an opportunity to comment on the revised, proposed rules.

The emergency rulemaking shall remain in effect for up to one hundred and twenty (120) days after adoption or until December 4, 2014, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. Pursuant to D.C. Official Code § 2-1801.04(a)(1), the Director shall submit the proposed changes to Title 16 of the DCMR to the Council of the District of Columbia.

The Director also gives notice of intent to take final rulemaking action to adopt these rules in not less than forty-five (45) days after the date of publication of this notice in the *D.C. Register*.

A new Chapter 9 (Prohibition on Sale of Synthetic Drugs) is added to Title 17 (Business, Occupations, and Professions) of the DCMR to read as follows:

CHAPTER 9 PROHIBITION ON SALE OF SYNTHETIC DRUGS

900 SALE OF SYNTHETIC DRUGS PROHIBITED

900.1 No person doing business in the District of Columbia that has or is required to have a Basic Business License issued under D.C. Official Code § 47-2851.01 *et seq.*(2012 Repl. & 2013 Supp.) shall sell, offer for sale, allow the sale of, display for sale, possess, market, trade, barter, give, devise, or otherwise make or attempt to make available:

(a) Synthetic Drugs;

(b) Products packaged as common non-consumable products, which contain warning notices or age restrictions not typically found on products marketed for that purpose. For example, potpourri, incense, or bath salt packages that bear a warning label, including, but not limited to: "Not for purchase by minors", "Manufacturer and retailer are not responsible for misuse of this product", "Not for human consumption", "Must be 18 years or older to purchase", or equivalent language;

(c) Products containing notices on the packaging not typically found on products marketed for that purpose. For example, potpourri or shoe oil containing notices such as "Legal in 50 states", "100% legal blend", or language affirming conformance with specific state or federal statutes or regulations. Such notices may also include, but are not limited to, "does not contain any chemical compounds prohibited by law", "contains no prohibited chemicals", "product is in accordance with State and Federal laws", "legal herbal substance", "100% chemical free", "100% synthetic free", or equivalent language;

(d) Products whose package labeling suggests the user will achieve a high, euphoria, relaxation, mood enhancement, or a hallucinogenic effect, or that the product has other mind or body-altering effects on the consumer; or

(e) Products that have been enhanced with a synthetic chemical or synthetic chemical compound that has no legitimate relation to the advertised use of the product, but mimics the effects of a controlled substance when the product, or the smoke from the burned product, is introduced into the human body and/or the product is topically applied to the human body.

901 EXEMPTIONS

901.1 The products prohibited for sale under this chapter shall not apply to:

(a) Any herbal or plant material containing synthetic chemicals or chemical compounds which:

(1) Require a prescription;

(2) Are approved by the Food and Drug Administration;

(3) Are dispensed in accordance with District and federal law; and/or

(4) Are subject to the jurisdiction of a federal entity.

(b) Any material containing synthetic chemicals or chemical compounds which:

(1) Require a prescription;

(2) Are approved by the Food and Drug Administration; and/or

(3) Are dispensed in accordance with District and federal law.

901.2 A business subject to § 900.1 that believes any of its products should not be subject to prohibition shall submit a request for an exemption on a form provided by the Department of Consumer and Regulatory Affairs (DCRA).

901.3 In its request for exemption, the business shall provide a basis for the exemption, including a description of the product(s) and an affirmation by the business licensee that, to the best of the business licensee's knowledge, the product(s) are not used by consumers to achieve a high, euphoria, relaxation, mood enhancement, hallucinogenic effect or other mind or body-altering effect.

901.4 If an exemption request is granted, DCRA:

(a) May conduct on-site inspections of the business; and

(b) Shall require the business licensee to maintain purchase and sales records for any products that have been issued an exemption, which the licensee shall provide upon request by any official from DCRA, the D.C. Metropolitan Police Department, or the D.C. Department of Health.

901.5 If DCRA denies an exemption request, the business licensee may submit to the DCRA Director or designee a request for reconsideration. The DCRA Director or designee shall have fifteen business (15) days to issue a written determination on the request for reconsideration.

901.6 In determining whether to issue an exemption under this section, DCRA may seek recommendations from the D.C. Metropolitan Police Department, the D.C.

Department of Health, or other government agencies having expertise with synthetic drugs.

902 ENFORCEMENT

902.1 A credentialed DCRA investigator or inspector may, during regular business hours, enter and inspect the premises to determine whether the business is in compliance with this chapter.

902.2 Nothing in this chapter shall be construed as restricting the D.C. Metropolitan Police Department or the D.C. Department of Health from entering the premises of any business licensee, during regular business hours, and requiring the business to:

(a) Produce their business license for inspection; and

(b) Provide any additional information that is requested.

903 PROOF OF INTENT

903.1 Any reasonable evidence may be utilized to demonstrate that a product's marketed and/or intended use causes it to fit the definition of a synthetic drug including, but not limited to, any of the following evidentiary factors:

(a) The product is not suitable for its marketed use (such as a crystalline or powder product being marketed as "glass cleaner");

(b) The individual or business providing, distributing, displaying or selling the product does not typically provide, distribute, or sell products that are used for that product's marketed use (such as liquor stores, smoke shops, or gas/convenience stores selling "plant food");

(c) The product contains a warning label that is not typically present on products that are used for that product's marketed use including, but not limited to, "Not for human consumption", " Not for purchase by minors", "Must be 18 years or older to purchase", "100% legal blend", or similar statements;

(d) The product is significantly more expensive than products that are used for that product's marketed use. For example, 0.5 grams of a substance marketed as "glass cleaner" costing $50.00, 1 gram of potpourri costing $10.00, or 0.5 grams of incense costing $15.00;

(e) The product resembles an illicit street drug (such as cocaine, methamphetamine, marijuana, or schedule 1 narcotic); or

(f) The business licensee or any employee has been warned by DCRA or has received a criminal incident report, arrest report or equivalent from any law enforcement agency that the product or a similarly labeled product contains a synthetic drug.

904 REVOCATION OF BUSINESS LICENSE

904.1 Any business licensee violating this chapter may receive a Notice of Infraction.

904.2 DCRA may issue a notice of intent to suspend or revoke the licensee's basic business license for violating this chapter.

904.3 Following an adjudication that is adverse to the business licensee, DCRA shall suspend or revoke the basic business license. In adjudicated cases where a notice of intent to revoke was issued, the basic business license shall be revoked pursuant to D.C. Official Code § 47-2844(a-1)(1), and the licensee shall be ineligible to apply for a new basic business license for a substantially similar business for two (2) years.

999 DEFINITIONS

999.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Synthetic Drug – Any product possessed, provided, distributed, sold, and/or marketed with the intent that it be used as a recreational drug, such that its consumption or ingestion is intended to produce effects on the central nervous system or brain function to change perception, mood, consciousness, cognition and/or behavior in ways that are similar to the effects of marijuana, cocaine, amphetamines or Schedule 1 narcotics. Additionally, any chemically synthesized product (including products that contain both a chemically synthesized ingredient and herbal or plant material) possessed, provided, distributed, sold and/or marketed with the intent that the product produce effects substantially similar to the effects created by compounds banned by District or Federal synthetic drug laws or by the U.S. Drug Enforcement Administration pursuant to its authority under the Controlled Substances Act.

Title 16 (Consumers, Commercial Practices, & Civil Infractions), Chapter 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions), Section 3301 (Business and Professional Licensing Administration Infractions) of the DCMR is amended as follows:

Subsection 3301.1is amended by adding a new subparagraph (mm) to read as follows:

(mm) D.C. Official Code § 48-902.04 (schedule I synthetic drugs)

(nn) D.C Official Code § 48-902.08 (schedule III synthetic drugs)

A new Subsection 3301.5 is added to read as follows:

3301.5 Violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 48-902.04 (sell, offer for sale, allow the sale of, display for sale, possess, market, trade, barter, give, devise or otherwise make or attempt to make available synthetic drugs from schedule I).

(b) D.C. Official Code § 48-902.08 (sell, offer for sale, allow the sale of, display for sale, possess, market, trade, barter, give, devise or otherwise make or attempt to make available synthetic drugs from schedule III).

All persons desiring to comment on these emergency and final regulations should submit comments in writing to Matt Orlins, Legislative and Public Affairs Officer, Department of Consumer and Regulatory Affairs, 1100 4th Street, S.W., 5th Floor, Washington, D.C. 20024, or by e-mail to matt.orlins@dc.gov, not later than forty-five (45) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar ($1) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at dcra.dc.gov by going to the "About DCRA" tab, clicking "News Room", and clicking on "Rulemaking."

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in The District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2012 Repl.)), hereby gives notice of proposed and emergency rulemaking action to adopt amendments to Section 1202 of Chapter 12 (Ballots), Title 3 (Elections and Ethics), of the District of Columbia Municipal Regulations (DCMR)

The amendment to Chapter 12 determines the order of contests and questions on the Primary, General, and Special Election ballots. The position of Attorney General is added to the list of contests.

This emergency rulemaking is necessary for the immediate preservation of the public peace and welfare of District residents because rules governing the order of contests and questions on the ballot must be effective prior to the General Election, which will take place on November 4, 2014.

The Board adopted these emergency rules at its regular monthly meeting on Wednesday, August 6, 2014, at which time the amendments became effective. The emergency amendments to the rules will expire on Thursday, December 4, 2014, one hundred twenty (120) days after the emergency rulemaking were adopted.

The Board also gives notice of its intent to take final rulemaking action to adopt these amendments in not less than 30 days from the date of publication of this notice in the *D.C. Register*.

1202 ORDER OF CONTESTS AND QUESTIONS

1202.1 Contests and questions in any Primary, General or Special Election, if applicable to that election, shall appear on the ballot in the following order:

(a) Electors for President and Vice President of the United States;

(b) Delegate to the U.S. House of Representatives;

(c) Mayor of the District of Columbia;

(d) Chairman of the Council of the District of Columbia;

(e) At-Large Member of the Council of the District of Columbia;

(f) Ward Member of the Council of the District of Columbia;

(g) Attorney General of the District of Columbia;

(h) United States Senator;

(i) United States Representative;

(j) At-Large Member of the State Board of Education;

(k) Ward Member of the State Board of Education;

(l) Advisory Neighborhood Commissioner;

(m) Short title and summary statement of each proposed initiative, referendum, and Charter amendment; and

(n) Recall measures.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboee.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-186
August 4, 2014

SUBJECT: Appointment – Interim Director, Office of Disability Rights

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and by section 4 of the Disability Rights Protection Act of 2006, effective March 8, 2007, D.C. Law 16-239, D.C. Official Code § 2-1431.03(c)(1) (2012 Repl.), it is hereby **ORDERED** that:

1. **ALEXIS TAYLOR** is appointed Interim Director of the Office of Disability Rights and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Orders 2010-18, dated January 19, 2010.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-187
August 5, 2014

SUBJECT: Extension of the Term of the Georgetown Business Improvement District Inc. pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.* (2012 Repl.)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.) and pursuant to section 2 of the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.01 *et seq.* (2012 Repl.), it is hereby **ORDERED** that:

1. The term of the Georgetown Business Improvement District Inc. currently set to expire on September 30, 2014, is hereby extended until the earliest to occur of September 30, 2019 or the expiration of the Business Improvement Districts Act of 1996.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-188
August 6, 2014

SUBJECT: Appointments – Age-Friendly DC Task Force

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to Mayor's Order 2013-172, dated September 20, 2013, it is hereby **ORDERED** that:

1. **ELLEN MCCARTHY**, Interim Director, Office of Planning, is appointed as a government representative to the Age-Friendly DC Task Force ("Task Force"), and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.

2. **MATTHEW BROWN**, Interim Director, District Department of Transportation, is appointed as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.

3. **ALEXIS TAYLOR**, Interim Director, Office of Disability Rights, is appointed as a government representative to the Task Force and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.

4. **DEBORAH CARROLL**, Interim Director, Department of Human Services, is appointed as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.

5. **JEFFREY MILLER**, Interim Deputy Mayor, Office of the Deputy Mayor for Planning and Economic Development, is appointed as a government representative to the Task Force and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.

6. **ROBERT BLANCATO**, President, Matz, Blancato and Associates, is appointed as a non-government representative to the Task Force with particular focus on domain #10, Elder Abuse, Neglect, and Fraud, replacing Carolyn Nicholas, for a term to end December 31, 2017.

7. **EFFECTIVE DATE:** This Order shall become effective immediately.

VINCENT C. GRAY
MAYOR

ATTEST:
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-189
August 6, 2014

SUBJECT: Appointment – Juvenile Justice Advisory Group

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974, approved September 7, 1974, 88 Stat. 1119, Pub. L. 93-415, 42 U.S.C. § 5633(a)(3) and Mayor's Order 2009-13, dated February 9, 2009, it is hereby **ORDERED** that:

1. **JUDGE HIRAM PUIG-LUGO** is appointed, as a representative of law enforcement and juvenile justice agencies, to the Juvenile Justice Advisory Group replacing Judge Zoe A. Bush and shall serve for a term to end two years from the effective date of this Order.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-190
August 7, 2014

SUBJECT: Appointment – Mayor's Advisory Committee on Child Abuse and Neglect

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and in accordance with Mayor's Order 2012-164, dated October 3, 2012, as amended by Mayor's Order 2014-074, dated April 9, 2014, it is hereby **ORDERED** that:

1. **CHARLOTTE ST. PIERRE** is appointed as a member of the Mayor's Advisory Committee on Child Abuse and Neglect, representing the Department on Disability Services, and shall serve in that capacity at the pleasure of the Mayor.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-191
August 7, 2014

SUBJECT: Reappointments – Advisory Committee to the Office of Gay, Lesbian, Bisexual, and Transgender Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and section 3(b) of the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006, effective April 4, 2006, D.C. Law 16-89, D.C. Official Code § 2-1382(b) (2012 Repl.), and in accordance with Mayor's Order 2006-52, dated May 3, 2006, it is hereby **ORDERED** that:

1. **JUNE CRENSHAW** is reappointed as a member of the Advisory Committee to the Office of Gay, Lesbian, Bisexual, and Transgender Affairs ("Committee"), for a term to end June 30, 2016.

2. **BARBARA HELMICK** is reappointed as a member of the Committee, for a term to end June 30, 2016.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-192
August 7, 2014

SUBJECT: Appointment – District of Columbia Education Licensure Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 4 of the Education Licensure Commission Act of 1976, effective April 6, 1977, D.C. Law 1-104, D.C. Official Code § 38-1304(b) (2012 Repl.), it is hereby **ORDERED** that:

1. **DR. JOANNE JOYNER** is appointed as a member of the District of Columbia Education Licensure Commission, replacing Tommie L. Robinson, for a term to end August 15, 2017.

2. **EFFECTIVE DATE:** This Order shall become effective on August 15, 2014.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-193
August 7, 2014

SUBJECT: Appointment – Healthy Youth and Schools Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 702 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.02 (2012 Repl.), it is hereby **ORDERED** that:

1. **SHANNON FOSTER** is appointed to the Healthy Youth and Schools Commission, as a designee representative of the District of Columbia Public Schools, to complete the remainder of an unexpired three year term that ends May 1, 2016.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray
VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-194
August 8, 2014

SUBJECT: Appointments – Child Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 4-1371.04 (2012 Repl.), it is hereby **ORDERED** that:

1. **SGT. ROBERT PARKER** is appointed as a member of the Child Fatality Review Committee ("Committee"), representing the Metropolitan Police Department and shall serve in that capacity at the pleasure of the Mayor.

2. **ALEAZOR TAYLOR** is appointed as a member of the Committee, representing the Fire and Emergency Medical Services Department, replacing Adele Fabrikant, and shall serve in that capacity at the pleasure of the Mayor.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-195
August 8, 2014

SUBJECT: Rescission of Mayor's Order 98-67, Establishment - District of Columbia Child Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), it is hereby **ORDERED** that:

1. Mayor's Order 98-67, dated April 29, 1998, is rescinded in its entirety.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

Vincent C. Gray

VINCENT C. GRAY
MAYOR

ATTEST: Cynthia Brock-Smith

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

BRIDGES PUBLIC CHARTER SCHOOL

PARTICIPATION IN THE NATIONAL SCHOOL LUNCH PROGRAM

Bridges Public Charter School notifies the public its participation in the National School Program (NSLP) for the school year 2014 2015. Bridges Public Charter School has participated in the NSLP for 7 years.

"In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.
To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer."

Also, the District of Columbia Human Rights Act, approved December 13, 1977 (DC Law 2-38; DC Official Code §2-1402.11(2006), as amended) States the following:
Pertinent section of DC Code § 2-1402.11:
It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual. To file a complaint alleging discrimination on one of these bases, please contact the District of Columbia's Office of Human Rights at (202) 727-3545.

CARLOS ROSARIO PUBLIC CHARTER SCHOOL

REQUEST FOR QUOTES

Laptop Computer Purchases

Carlos Rosario is looking to purchase 60 laptop computers with the following configuration: HP ProBook 440 Core Intel® Core™ i5-4210U with Intel HD Graphics 4400 (1.7 GHz, up to 2.7 GHz with Intel Turbo Boost Technology, 3 MB cache, 2 cores) - Windows 7 Pro 64-bit / 8 Pro downgrade - pre-installed: Windows 7 - 4 GB RAM - 500 GB HDD - DVD SuperMulti -drive- 14" HD anti-glare wide 1366 x 768 / HD - Intel HD Graphics 4000 - brushed aluminum. The computers will be delivered to main campus at 1100 Harvard St NW. Bids are due August 22 and delivery is needed the week of August 25. For further information contact Gwen Ellis 202-797-4700.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

REQUEST FOR APPLICATIONS

Healthy Schools Act Evaluation Grant

Announcement Date: **August 1, 2014**
Request for Application Release Date: **August 15, 2014**
Pre-Application Question Period Ends: **August 29, 2014**
Application Submission Deadline: **September 12, 2014**

The Office of the State Superintendent of Education (OSSE) Wellness and Nutrition Services Division (WNS) is soliciting grant applications for the District of Columbia Healthy Schools Act Evaluation Grant. The purpose of this grant is to (1) document the behavioral, health, and academic impact of the Healthy Schools Act (HSA), (2) identify promising practices for HSA implementation and education, and (3) add to the body of evidence on the effectiveness of polices that promote healthy school environments.

Eligibility: OSSE will accept applications from institutions of higher education, research- based companies, and research-based nonprofit organizations.

Length of Award: This is a three-year award that either party can cancel with cause.

Available Funding for Award: The total funding available for this period is $2,400,000. Eligible applicants may apply for any amount up to the full amount.

Award Period: The funds must be used between October 1, 2014 and September 30, 2017.

Anticipated Number of Awards: OSSE has funding available for one award.

For additional information regarding this grant competition, please contact:

Nancy Brenowitz Katz
Manager, Healthy Schools Act Initiatives
Wellness and Nutrition Services Division
Office of the State Superintendent of Education
Government of the District of Columbia
810 1st Street NE, 4th Floor
Washington, DC 20002
Phone: 202-724-7893
Email: nancy.katz@dc.gov

The Request for Applications and application forms are available at http://osse.dc.gov/service/healthy-schools-act-assessment-and-evaluation-program-aep or by contacting Nancy Brenowitz Katz at nancy.katz@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6414-R1 to the Cello Partnership (DBA Verizon Wireless) to operate one emergency natural gas generator located in Washington, DC. The contact person for the facility is Matthew Melito, Director of Operations, at (800) 488-7900.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Size	Engine Size	Permit No.
Verizon Wireless 3900 16th Street NW Washington, DC	3900 16th Street NW Washington, DC	50 kW	88.3 bhp	6414-R1

The application to operate the emergency generator and the draft renewal permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 15, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6891 to Cello Partnership (DBA Verizon Wireless) to construct and operate one emergency natural gas generator set located in Washington, DC. The contact person for the facility is Matthew Melito, Director of Operations, at (800) 488-7900.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Size	Engine Size	Permit No.
Verizon Wireless 1215 Kenilworth Ave. NE Washington, DC	1215 Kenilworth Ave. NE Washington, DC 20019	30 kW	66.5 bhp	6891

The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Emission Standards	
Pollutant	g/hp-hr
NO_x + HC	10
CO	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator engines, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the generator engine are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter (PM Total)	<0.01
Sulfur Dioxide (SO_2)	<0.01

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 15, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6934 to to Cellco Partnership (DBA Verizon Wireless) to construct and operate a 30 kW emergency generator set with 66.5 HP natural gas fired engine at 6001 Georgia Avenue NW, Washington DC. The contact person for the facility is Matthew Melito, Director Operations at 800-488-7900.

The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter , PM (Total)	<0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested

parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 15, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6935 to to the Cellco Partnership (DBA Verizon Wireless) to construct and operate a 30 kW emergency generator set with 66.5 HP natural gas fired engine at 215 East Constitution Avenue NE, Washington DC. The contact person for the facility is Mathew Melito, Director of Operations at 800-488-7900.

The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter , PM (Total)	<0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made

available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter , PM (Total)	<0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter , PM (Total)	<0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested

parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter , PM (Total)	<0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested

parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	1.08
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.26
Total Particulate Matter (PM Total)	<0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested

parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

PUBLIC NOTICE

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The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	1.08
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.26
Total Particulate Matter (PM Total)	<0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made

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FISCAL YEAR 2014

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The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter (PM Total)	0.01
Sulfur Dioxide (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made

available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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FISCAL YEAR 2014

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The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter (PM Total)	0.01
Sulfur Dioxide (SO_x)	<0.01

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 1190-001

VIA EMAIL TO:

July 28, 2014

[redacted]
Executive Board Member
D.C. Health Benefits Exchange Board
[redacted]

Dear [redacted]:

This responds to your request for advice concerning whether you permissibly may run for an at-large D.C. Council seat and engage in associated campaign activities, including fundraising, while also serving as an Executive Board Member of the D.C. Health Benefits Exchange ("HBX") Board. Based upon the information your General Counsel provided in a phone call on April 1, 2014, to a member of my staff, a subsequent email sent by your General Counsel on June 1, 2014, and a conversation you had with a member of my staff on June 23, 2014, I conclude that, as long as you ensure that you meet the requirements set forth below, you permissibly may run for an at-large city council seat and you permissibly may engage in associated campaign activities, including fundraising.

You state that you are an Executive Board member of the HBX, a quasi-government instrumentality created by the District to implement the insurance marketplace provisions of the Affordable Care Act.[1] HBX is governed by an Executive Board made up of seven voting members and four non-voting, *ex-officio* members.[2] The Executive Board members are appointed by the Mayor with the advice and consent of the Council, pursuant to D.C. Official Code § 1-523.01(f).[3] The Board has broad authority including all the powers necessary to carry out the functions authorized by the Affordable Care Act.[4]

You state that you would like to run for an at-large D.C. Council seat while remaining an Executive Board member of the HBX. Running for an at-large Council seat would require you to engage in fundraising. You would like to know whether you are subject to restrictions regarding voting on Executive Board matters during the course of your

[1] D.C. Official Code § 31-3171.02.
[2] D.C. Official Code § 31-3171.05.
[3] *Id.*
[4] 42 USCS § 18031.

campaign, whether there are limitations on your political activity due to your position as an Executive Board member, whether you may refer to your position as an Executive Board member during your campaign, and whether there are limitations on the topics that you may discuss or the questions that you may answer during the campaign.[5]

The applicable provisions of the Code of Conduct that inform my decision are found in the Local Hatch Act[6] and Chapter 18, Title 6B of the D.C. Municipal Regulations (also known as the "DPM").[7]

First, I will address the applicable provisions of the Local Hatch Act. The definition of "employee" in the Local Hatch Act includes "a member of a board or commission who is nominated pursuant to section 2(f) of the Confirmation Act of 1978…when the member is engaged in political activity that relates to the subject matter that the member's board or commission regulates."[8] HBX's Board is nominated pursuant to section 2(f) of the Confirmation Act. Therefore, HBX Board members are considered "employees," as that term is defined in the Local Hatch Act, only when they are engaged in the subject matter that their Board regulates.

Because 2(f) board members' status as "employees" under the Local Hatch Act is limited to a specific subject matter, I do not find that the prohibition against filing as a candidate for election for partisan political office, found in D.C. Official Code § 1-1171.02(a)(3), would preclude a member of a 2(f) board from running for an at-large Council seat (a partisan office).[9] Additionally, because your status as "employee" under the Local Hatch Act is limited to a specific subject matter, I do not find that the prohibition against knowingly soliciting, accepting, or receiving political contributions from any person, found in section 3(a)(2) of the Local Hatch Act, would preclude a member of a 2(f) board from fundraising for a District regulated campaign.[10]

In sum, I find that the Local Hatch Act does not prohibit you from running for an at-large Council seat (a partisan office) or fundraising for your campaign (a District-regulated campaign). The prohibitions you face under the Local Hatch Act concern your activities as an HBX Board Member. D.C. Official Code § 1-1171.02(a)(1) prohibits the use of official authority or influence for the purpose of interfering with or affecting the result of an election.[11] Should you use your official authority or influence as an HBX Board Member to further your campaign or fundraising for your campaign, I would consider you an "employee" for purposes of this prohibition because you would be engaged in political activity that relates to the subject matter that your Board regulates.

[5] You also inquired whether you may form a political campaign committee for a Council campaign, but that is a matter solely within the jurisdiction of the Board of Elections and the Office of Campaign Finance.
[6] "Prohibition on Government Employee Engagement in Political Activity Act of 2010," effective March 31, 2011 (D.C. Law 18-335; 58 DCR 599), as amended by the "Prohibition on Government Employee Engagement in Political Activity Amendment Act of 2013," effective May 7, 2013 (D.C. Law 20-4; D.C. Official Code § 1-1171) (the "Local Hatch Act").
[7] Hereinafter, Title 6b of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.
[8] D.C. Official Code § 1-1171.01(3)(C).
[9] D.C. Official Code § 1-1171.02(a)(3).
[10] D.C. Official Code § 1-1171.02(a)(2). In your case, even if I found that the prohibition against fundraising for a District regulated campaign applied to 2(f) board members as a complete preclusion, because you yourself are running for an at-large council seat, you would fall under the exception in D.C. Official Code § 1-1171.02(a)(2) for employees who have, themselves, filed as a candidate for political office.
[11] D.C. Official Code § 1-1171.02(a)(1).

Therefore, you may not use your position as an HBX Board Member to interfere with or affect the result of your own at-large D.C. Council election. This means that you cannot use your position with the HBX Board to further your campaign. You may, in the context of campaign activities, speak truthfully about your position with the HBX Board, as to not make any material misrepresentations, but you may not use your HBX Board position in any campaign materials, as that would be viewed as using your official authority or influence for the purpose of interfering with or affecting the result of an election.

As to the question regarding the topics that you may discuss or the questions that you may answer during the campaign, I do not find that the Local Hatch Act prohibits you from discussing health benefits exchange issues. It would be impractical to allow you to participate in an election, but preclude you from being able to answer constituents' questions, especially questions about an issue as important as health insurance. Therefore, I do not interpret the Local Hatch prohibitions to preclude you from speaking about matters that HBX regulates.

You also are subject to the prohibitions found in D.C. Official Code § 1-1171.03. These prohibit you from engaging in political activity while you are on duty as an HBX Board Member, while you are in any room or building occupied in the discharge of official duties in the District government, including any agency or instrumentality thereof, while wearing a uniform or official insignia identifying you as an HBX Board Member, or while using any vehicle owned or leased by the District of Columbia, including any agency or instrumentality thereof.[12] Essentially, I view the Local Hatch Act's definition of "employee" as applying to you at any time you are engaged in HBX activities or any time you appear to be engaged in HBX activities.

In addition, you are subject to the prohibitions in D.C. Official Code § 1-1171.02(a)(4) and D.C. Official Code § 1-1171.03(b). D.C. Official Code § 1-1171.02(a)(4) states that you are prohibited from knowingly directing, or authorizing anyone else to direct, any of your subordinate employees to participate in an election campaign or requesting that your subordinate employees make a political contribution.[13] D.C. Official Code § 1-1171.03(b) states that you are prohibited from coercing, explicitly or implicitly, any of your subordinate employees to engage in political activities.[14] Although these prohibitions are likely common sense, again, they are important to keep in mind.

Now, I will address the applicable provisions of the DPM. DPM § 1899.1 defines "employee" as "an individual who performs a function of the District government and who receives compensation for the performance of such services …, or a member of a District government board or commission, with or without compensation."[15] Therefore, as an HBX Board Member, you are an "employee" for the purposes of the DPM and the DPM's prohibitions apply to your activities.

DPM § 1800.3(g) states that employees shall not use public office for private gain.[16] This prohibition, like the prohibition found in D.C. Official Code § 1-1171.02(a)(1), prohibits you from using your position with the HBX Board in any campaign materials. The use of

[12] D.C. Official Code § 1-1171.03.
[13] D.C. Official Code § 1-1171.02(a)(4).
[14] D.C. Official Code § 1-1171.03(b).
[15] DPM § 1899.1.
[16] DPM § 1800.3(g).

your position with the HBX Board for the purpose of furthering your private campaign for an at-large council seat amounts to using your public office for private gain. Therefore, such use of your position as an HBX Board Member is prohibited.

You also are subject to the DPM provisions concerning outside activities found in DPM § 1807. DPM § 1807.1(a) prohibits you from engaging in any activity that is reasonably likely to interfere with your ability to perform your job, or which may impair the efficient operation of the District government.[17] Therefore, if your campaign becomes so burdensome that it affects your ability to serve as an HBX Board Member, then you would be prohibited from engaging in the campaign and also maintaining your position as an HBX Board Member.

The DPM also has some provisions that are similar to those in the Local Hatch Act regarding the use of District government resources. DPM § 1807.1(b) prohibits you from using government time or resources for other than official business or government approved or sponsored activities.[18] Therefore, you may not use any District resources available to you because of your position with the HBX Board for your campaign.

DPM § 1807.1(c), like D.C. Official Code § 1-1171.02(a)(4) and D.C. Official Code § 1-1171.03(b), prohibits you from ordering, directing, or requesting subordinate officers or employees to perform any personal services not related to official District government functions.[19] DPM § 1807.1(f), like D.C. Official Code § 1-1171.02(a)(1) and DPM § 1800.3(g), prohibits you from engaging in any outside activity that permits you to capitalize on your official title or position.[20] Therefore, like D.C. Official Code § 1-1171.02(a)(1) and DPM § 1800.3(g), DPM 1807.1(f) prohibits you from using your position with the HBX Board in any campaign materials.

In conclusion, your proposed run for an at-large Council seat is permissible as long as you do not violate the above-referenced prohibitions.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District's Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that your identity will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so. I encourage individuals to so consent in the interest of greater government transparency. Please, then, let me know your wishes about disclosure.

[17] DPM § 1807.1(a).
[18] DPM § 1807.1(b).
[19] DPM § 1807.1(c).
[20] DPM § 1807.1(f).

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Sincerely,

_____/s/_____
DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

1190-001

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – 1191-001

VIA EMAIL TO:

July 28, 2014

Ms. Diane Lewis
Chairperson,
D.C. Health Benefits Exchange Board
Diane.Lewis@HBX.com

Dear Ms. Lewis:

This responds to your request for advice concerning whether you permissibly may serve as the Chair of the Campaign Committee for the election of another D.C. Health Benefits Exchange ("HBX") Board Member, Khalid Pitts, to the D.C. Council. Based upon the information your general counsel provided in a phone call on April 1, 2014, to a member of my staff, a subsequent email sent by your general counsel on June 1, 2014, and a conversation you had with a member of my staff on June 23, 2014, I conclude that, as long as you ensure that you meet the requirements set forth below, you permissibly may serve as the Chair of the Campaign Committee for the election of another HBX Board Member and you permissibly may engage in associated campaign activities, including fundraising.

You state that you are Chairperson of the HBX Board, a quasi-government instrumentality created by the District to implement the insurance marketplace provisions of the Affordable Care Act.[1] HBX is governed by an Executive Board made up of seven voting members and four non-voting, *ex-officio* members.[2] The Executive Board members are appointed by the Mayor with the advice and consent of the Council, pursuant to D.C. Official Code § 1-523.01(f).[3] The Board has broad authority including all the powers necessary to carry out the functions authorized by the Affordable Care Act.[4]

You state that you would like to serve as the Chair of the Campaign Committee for the election of another HBX Board Member, Khalid Pitts, while remaining Chairperson of the HBX Board. Serving as Chair of the Campaign Committee would require you to

[1] D.C. Official Code § 31-3171.02.
[2] D.C. Official Code § 31-3171.05.
[3] Id.
[4] 42 USCS § 18031

engage in fundraising. You would like to know, if you served as Chair of the Campaign Committee, what limitations you would face regarding Campaign Committee fundraising and policy development, what limitations you would face in discussing the work of Mr. Pitts at HBX, what limitations you would face in discussing your own work at HBX, whether you would be limited in voting on board related matters, and whether you would face limitations with regard to the topics you can discuss or questions you can answer as Chair of the Campaign Committee.

The applicable provisions of the Code of Conduct that inform my decision are found in the Local Hatch Act[5] and Chapter 18, Title 6B of the D.C. Municipal Regulations.[6]

First, I will address the applicable provisions of the Local Hatch Act. The definition of "employee" in the Local Hatch Act includes a member of a board or commission who is nominated pursuant to section 2(f) of the Confirmation Act of 1978…when the member is engaged in political activity that relates to the subject matter that the member's board or commission regulates.[7] HBX's Board is nominated pursuant to section 2(f) of the Confirmation Act. Therefore, HBX Board members are considered "employees," as that term is defined in the Local Hatch Act, only when they are engaged in the subject matter that their Board regulates.

Because D.C. Official Code § 1-1171.02(a) states that, "an employee may take an active part in political management or in political campaigns…," I do not find that you would be prohibited from serving as the Chair of the Campaign Committee for the election of another HBX Board Member.[8] Additionally, because your status as an "employee" under the Local Hatch Act is limited to a specific subject matter, I do not find that the prohibition against knowingly soliciting, accepting, or receiving political contributions from any person, found in D.C. Official Code § 1-1171.02(a)(2), completely would preclude you, a member of a 2(f) board, from fundraising for a District regulated campaign.[9]

Per your question regarding policy development for the Campaign Committee, I do not find that the Local Hatch Act would prevent you from taking an active role. As stated previously, D.C. Official Code § 1-1171.02(a) states that, "an employee may take an active part in political management or in political campaigns…" I interpret that provision to include policy development as a part of political management.

In sum, I find that the Local Hatch Act does not prohibit you from serving as the Chair of the Campaign Committee for the election of another HBX Board Member or fundraising for his campaign (a District-regulated campaign), but please keep in mind the following. The prohibitions you face under the Local Hatch Act concern your activities as an HBX Board Member. D.C. Official Code § 1-1171.02(a)(1) prohibits the use of official authority or influence for the purpose of interfering with or affecting the result of an

[5] "Prohibition on Government Employee Engagement in Political Activity Act of 2010," effective March 31, 2011 (D.C. Law 18-335; 58 DCR 599), as amended by the "Prohibition on Government Employee Engagement in Political Activity Amendment Act of 2013," effective May 7, 2013 (D.C. Law 20-4; D.C. Official Code § 1-1171) (the "Local Hatch Act").
[6] Hereinafter, Title 6b of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.
[7] D.C. Official Code § 1-1171.01(3)(C).
[8] D.C. Official Code § 1-1171.02(a).
[9] D.C. Official Code § 1-1171.02(a)(2).

election.[10] Should you use your official authority or influence as an HBX Board Member to further the campaign or to fundraise for the campaign, I would consider you an "employee" for purposes of this prohibition because you would be engaged in political activity that relates to the subject matter that your Board regulates.

Therefore, you may not use your position as an HBX Board Member to interfere with or affect the result of this election. This means that you cannot use your position with the Board to further this campaign. You may, in the context of campaign activities, speak truthfully about your position with the HBX Board, as to not make any material misrepresentations, but you may not use your HBX Board position in any campaign materials, as that would be viewed as using your official authority or influence for the purpose of interfering with or affecting the result of an election.

Per your question regarding what limitations you would face in discussing the work of Mr. Pitts with the HBX Board, the prohibitions you face also relate back to the use of your official authority or influence. Although you may speak truthfully about his position with the HBX Board, as to not make any material misrepresentations, if you actively promote the work that Mr. Pitts does for the HBX Board, I would view your active promotion as a misuse of your official authority or influence.

As to your question regarding the topics that you may discuss or the questions that you may answer during the campaign, I do not find that the Local Hatch Act prohibits you from discussing health benefits exchange issues. It would be impractical to allow you to participate as Chair of the Campaign Committee, but preclude you from being able to answer constituents' questions, especially questions about an issue as important as health insurance. Therefore, I do not interpret the Local Hatch prohibitions to preclude you from speaking about the matters HBX regulates.

You also are subject to the prohibitions found in D.C. Official Code § 1-1171.03. These prohibit you from engaging in political activity while you are on duty as an HBX Board Member, while you are in any room or building occupied in the discharge of official duties in the District government, including any agency or instrumentality thereof, while wearing a uniform or official insignia identifying you as an HBX Board Member, or while using any vehicle owned or leased by the District of Columbia, including any agency or instrumentality thereof.[11] Essentially, we view the Local Hatch Act's definition of "employee" as applying to you at any time you are engaged in HBX activities or any time you appear to be engaged in HBX activities.

In addition, you are subject to the prohibitions in D.C. Official Code § 1-1171.02(a)(4) and D.C. Official Code § 1-1171.03(b). D.C. Official Code § 1-1171.02(a)(4) states that you are prohibited from knowingly directing, or authorizing anyone else to direct, any of your subordinate employees to participate in an election campaign or requesting that your subordinate employees make a political contribution.[12] D.C. Official Code § 1-1171.03(b) states that you are prohibited from coercing, explicitly or implicitly, any of your subordinate employees to engage in political activities.[13] Although these prohibitions are likely common sense, again, they are important to keep in mind.

[10] D.C. Official Code § 1-1171.02(a)(1).
[11] D.C. Official Code § 1-1171.03.
[12] D.C. Official Code § 1-1171.02(a)(4).
[13] D.C. Official Code § 1-1171.03(b).

Now, I will address the applicable provisions of the DPM. DPM § 1899.1 defines "employee" as an individual who performs a function of the District government and who receives compensation for the performance of such services …, or a member of a District government board or commission, with or without compensation.[14] Therefore, as an HBX Board Member, you are an "employee" for the purposes of the DPM and the DPM's prohibitions apply to your activities.

DPM § 1800.3(g) states that employees shall not use public office for private gain.[15] This prohibition, like the prohibition found in D.C. Official Code § 1-1171.02(a)(1), prohibits you from using your position with the HBX Board in any campaign materials. The use of your position with the HBX Board for the purpose of furthering this private campaign for an at-large Council seat would amount to using your public office for private gain. Therefore, such use of your position as an HBX Board Member is prohibited.

You also are subject to the DPM provisions concerning outside activities found in DPM § 1807. DPM § 1807.1(a) prohibits you from engaging in any activity that is reasonably likely to interfere with your ability to perform your job, or which may impair the efficient operation of the District government.[16] Therefore, if serving as Chair of the Campaign Committee becomes so burdensome that it affects your ability to serve as an HBX Board Member, then you would be prohibited from serving as Chair of the Campaign Committee and also maintaining your position as an HBX Board Member.

The DPM also has some provisions that are similar to those in the Local Hatch Act regarding the use of District government resources. For instance, DPM § 1807.1(b) prohibits you from using government time or resources for other than official business or government approved or sponsored activities.[17] Therefore, you may not use any District resources available to you because of your position with the HBX Board for this campaign.

DPM § 1807.1(c), like D.C. Official Code § 1-1171.02(a)(4) and D.C. Official Code § 1-1171.03(b), prohibits you from ordering, directing, or requesting subordinate officers or employees to perform any personal services not related to official District government functions.[18] DPM § 1807.1(f), like D.C. Official Code § 1-1171.02(a)(1) and DPM § 1800.3(g), prohibits you from engaging in any outside activity that permits you to capitalize on your official title or position.[19] Therefore, like D.C. Official Code § 1-1171.02(a)(1) and DPM § 1800.3(g), DPM 1807.1(f) prohibits you from using your position with the HBX Board in any campaign materials.

Per your question regarding voting on HBX matters while serving as Chair of the Campaign Committee, I do not foresee a situation where your position as Chair of the Campaign Committee would outright preclude you from voting as you normally would. If a situation presents itself where you feel a conflict is created between your position as Chair of the Campaign Committee and your position as an HBX Board Member, I advise you to reach out to me for further guidance.

[14] DPM § 1899.1.
[15] DPM § 1800.3(g).
[16] DPM § 1807.1(a).
[17] DPM § 1807.1(b).
[18] DPM § 1807.1(c).
[19] DPM § 1807.1(f).

In conclusion, your proposed position as Chair of the Campaign Committee for a fellow HBX Board Member is permissible as long as you do not violate the above-referenced prohibitions.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District's Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that your identity will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so. I encourage individuals to so consent in the interest of greater government transparency. Please, then, let me know your wishes about disclosure.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Sincerely,

_____/s/_____
DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

1191-001

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF INTENT

Pursuant to the School Reform Act, D.C. 38-1802 (SRA) and the D.C. Public Charter Schools procurement policy, Friendship PCS hereby submits this Notice of Intent to award the following Sole Source Contracts:

Vendor: Northwest Evaluation Association ("NWEA")
Description of Good or Service Procured: Northwest Evaluation Association ("NWEA") is the only assessment organization that may license the Measures of Academic Progress (MAP) assessment tool aligned specifically to FPCS curricular standards and state performance standards. MAP provides functional level testing that informs and reports growth measurement.
Amount of Contract: $36,562
Selection Justification: NWEA is the sole owner of the scoring and reporting software, and psychometric research underlying the MAP program. NWEA owns all the test items and has control over the use and release of the items.

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF REQUEST FOR PROPOSAL FOR

Friendship Public Charter School is seeking bids from prospective candidates to provide

Musical Instruments: Friendship Public Charter School is seeking an experienced vendor /company to supply musical instruments. The competitive Request for Proposal can be found on FPCS website at http://www.friendshipschools.org/procurement. Proposals are due no later than 4:00 P.M., EST, August 22, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Bus Services: Friendship Public Charter School is soliciting proposals from qualified fully licensed companies to provide a variety of bus services to the Friendship Public Charter Schools. The competitive Request for Proposal can be found on FPCS website at http://www.friendshipschools.org/procurement. Proposals are due no later than 4:00 P.M., EST, August 29, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Uniforms: Friendship Public Charter School is seeking an experienced vendor /company to supply uniforms. The competitive Request for Proposal can be found on FPCS website at http://www.friendshipschools.org/procurement. Proposals are due no later than 4:00 P.M., EST, August 22, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered**

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

District of Columbia Health Information Exchange Policy Board

The District of Columbia Health Information Exchange Policy Board, pursuant to the requirements of Mayor's Order 2012-24, dated February 15, 2012, hereby announces a public meeting of the Board. The meeting will be held **Wednesday, August 20, 2014** at 2:00 pm in the **11th Floor Conference Room 1117 South** at 441 Fourth Street, NW, Washington, DC 20001.

The District of Columbia Health Information Exchange Policy Board meeting is open to the public. The topics to be discussed on the agenda include a Welcome and Introduction, Approval of the Minutes from the April 24, 2014 Meeting, Ethics Presentation, Direct Secure Messaging, Hospital HIE Connection Program, Medicaid EHR Incentive Program, HIE Stakeholder Summit, and Open Discussion.

If you have any questions, please contact Cleveland Woodson at (202) 724-7342.

DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION

NOTICE OF FUNDING AVAILABILITY
Request for Grant Applications
CHA-RFA#MICHV08.22.14

Maternal, Infant, and Early Childhood Home Visiting Grant

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from qualified applicants to provide multiple elements of Early Childhood Home Visitation services to families in Wards 5, 7 and 8.
These services include implementation of the Parents As Teachers (PAT) evidence-based home visiting program, as well as, collection and reporting data requirements for the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA), Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program.

This funding is made available by HRSA through the authorization of the Patient Protection and Affordable Care Act, P.L. 111-148.

Up to $225,000 will become available for one (1) award. Funds are available for a program period of two (2) years from October 1, 2014 through September 30, 2016, subject to the availability of funds.

The following entities are eligible to apply: not-for-profit public and private organizations certified by the Parents as Teachers National Office to implement the Parents As Teachers (PAT) evidence-based home visiting model. Applicants should demonstrate a track record in providing home visiting services within the District of Columbia.

Copies of the RFA#MICHV08.22.14 will be available at http://opgs.dc.gov/page/opgs-district-grants-clearinghouse on Friday August 22, 2014. A limited number of copies of the RFA will be available for pickup at DOH/CHA offices located at 899 North Capitol Street, NE* Washington, DC 20002 on the third floor. The submission deadline is **Friday, September 19, 2014.** All applications must be received in the DOH/CHA suite on the third floor **no later than 4:30 pm**.

The Pre-Application Conference will be held at the CHA offices located at 899 North Capitol Street, NE Washington, DC 20002 third floor (Room 306) on Friday, August 29, 2014 from 11:30 am to 1:00 pm. Please contact Edwina Davis at (202) 442- 8113 or Edwina.davis@dc.gov for additional information.

*CHA is located in a secure building. Government issued identification must be presented for entrance.

KIPP DC PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Event Venue & Catering

KIPP DC, a public charter school, is looking for a location to host and cater its annual holiday event for 1,000 people on December 5, 2014 from 7:00-10:00pm. Proposals will be accepted until 5:00pm, EST, August 22, 2014. For a more detailed RFP, please email Rachel Yost at **BOTH** Rachel.Yost@kippdc.org and procurement@kippdc.org.

REAL PROPERTY TAX APPEALS COMMISSION

NOTICE OF ADMINISTRATIVE MEETING

The District of Columbia Real Property Tax Appeals Commission will hold its first Administrative Meeting on Wednesday, August 20, 2014, at 10:00 am in the Commission offices located at 441 4th Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for this meeting. A final agenda will be posted to RPTAC's website at http://rptac.dc.gov

For additional information, please contact: Carlynn Fuller Jenkins, Executive Director, at (202) 727-3596.

DRAFT AGENDA

I. CALL TO ORDER

II. ASCERTAINTMENT OF A QUORUM

III. REPORT BY THE CHAIRPERSON

IV. REPORT BY THE ADMINISTRATIVE OFFICER
- **a. TAX YEAR 2015 APPEAL SEASON**
- **b. UPCOMING PUBLIC MEETINGS**

V. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES

VI. ADJOURNMENT

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m., Monday, August 18, 2014, to:

Carlynn Fuller Jenkins, Executive Director
Real Property Tax Appeals Commission
441 4th Street NW, Suite 360N
Washington, D.C. 20001
202-727-6860
Email: Carlynn.fuller@dc.gov

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after September 15, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on August 16, 2014. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary **Effective: September 15, 2014**
Recommended for appointment as a DC Notaries Public **Page 2**

Araoz	Alicia	Fox RPM Corp 1420 K Street, NW, Suite 500	20005
Bae	Nina	Capital One, N.A. 701 Pennsylvania Avenue, NW	20004
Bailey	Titania R.	Finnegan 901 New York Avenue, NW	20001
Bennett	Cloteal E.	Self 4250 East Capitol Street, NE	20019
Bethel	Tameca Fitzgerald	Universal Service Administration Company 2000 L Street, NW, Suite 200	20036
Brizuela	Roussy	Sedgwick LLP 2900 K Street, NW, Suite 500	20007
Brown	Devona M.	Bonner, Kiernan, Trebach, & Crociata, LLP 1233 20th Street, NW, 8th Floor	20036
Byers	Angela N.	Carr Maloney, P.C. 2000 L Street, NW, Suite 450	20036
Canard	William B.	TD Bank 1275A 1st Street, NE	20002
Chua	Cheryl	Omni Shoreham 2500 Calvert Street, NW	20008
Curtis	Florence Dina	Self (Dual) 3685 Upton Street, NW	20008
Delarosa	Marcofia L.	R.E. Services 901 Longfellow Street, NW	20011
Djurdjevic	Nevena	Dumbarton Oaks Research Library and Collection 1703 32nd Street, NW	20007
Edlavitch	David A.	Self 2229 39th Street, NW	20007
Ellis	Henrietta	Holland & Knight, LLP 800 17th Street, NW, Suite 1100	20006

Epalanga	Edgar Songuile Wanga	Wells Fargo Bank 2000 L Street, NW	20036
Evangelista	Teresa M.	Bank-Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Fantaw	Siheen W.	MedStar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Flournoy	Charlotte	Lafayette Federal Credit Union 1381 Kenyon Street, NW	20010
Gallagher	Heather D.	Combined Properties, Incorporated 1025 Thomas Jefferson Street, NW, Suite 700 East	20007
Gholson	Marjorie P.	Self 1105 47th Place, NE	20019
Girma	Misrak	TD Bank 1275A 1st Street, NE	20002
Gomez	Brenda	Metropolitan Assessment and Renewal Centers, LLC 3120 Georgia Avenue, NW	20010
Hartten	Nancy J.	Williams & Jensen, PLLC 701 8th Street, NW	20001
Hennigan	Hazel A.	Family and Child Care Referral Agency, Inc 1336 Missouri Avenue, NW, Suite 201	20011
Jackson	Yvette	Edision Electric Institute 701 Pennsylvania Avenue, NW, 4th Floor	20004
King	David	Distilled Spirits Council of the United States 1250 I Street, NW, Suite 400	20005
King	Dwight F.	Metropolitan Assessment and Renewal Centers, LLC	

		3120 Georgia Avenue, NW	20010
Kraemer	Thomas Caleb	U.S. Commission on International Religious Freedom (USCIRF) 732 North Capitol Street, NW, Suite A714	20401
Manning	Denise	AARP Real Possibilities 601 E Street, NW	20049
Marshall	Patricia	Absolute Builders, Inc. 3201 8th Street, NE, Suite F	20017
Martin	TinaLouise	U.S. Commission on Civil Rights 1331 Pennsylvania Avenue, NW	20425
Martinez	Mark	Capital One Bank 701 Pennsylvania Avenue, NW	20004
Mathis	Valerie	Feldesman Tucker Leifer Fidell LLP 1129 20th Street, NW, Suite 400	20036
Milan	Victoria M.	PNC Bank, NA 1400 K Street, NW	20005
Miles	Lisa	Griffin Murphy Moldenhauer & Wiggins, LLP 1912 Sunderland Place, NW	20036
Miller	Bernard	Miller Copying Service, Inc 1000 U Street, NW, Suite 325	20001
Montecinos	Liana Elizabeth	Benach Ragland, LLP 1333 H Street, NW, Suite 900 W	20005
Moore	Donna O.	Wells Fargo Bank 215 Pennsylvania Avenue, SE	20003
Moore	Jennifer C.	BB&T Bank 317 Pennsylvania Avenue, SE	20003
Murphy	Patricia R.	American Association of Colleges of Nursing One Dupont Circle, NW, Suite 530	20036

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O'Brien	Daniel Anthony John	Howard W. Phillips & Co. 2555 Pennsylvania Avenue, NW, Suite G	20037
Ochoa, Jr.	Francisco	PNC Bank, Inc. 4835 Massachusetts Avenue, NW	20016
Orozco	Maria C.	Community Capital Corporation, Inc. 1100 Harvard Street, NW	20009
Pepper	Robin	Fay Kaplan Law, P.A. 777 6th Street, NW	20001
Price	Sonia Patricia	Ropes & Gray LLP 700 12th Street, NW	20005
Ransom	Stephine	Metropolitan Assessment and Renewal Centers, LLC 3120 Georgia Avenue, NW	20010
Reaves	Raymond	UDCPD-Office of Public Safety 4200 Connecticut Avenue, NW	20008
Rigsby	Satrice M.	Johns Hopkins University School of Advanced Internal Studies 1740 Massachusetts Avenue, NW	20036
Roy	Connie M.	United States Court of Federal Claims 717 Madison Place, NW	20439
Serrano	Mark P.	The Rock Creek Group, LP 1133 Connecticut Avenue, NW	20036
Shearman	Lisa Hawks	Jamestown LP 1305 Wisconsin Avenue, NW, Suite 200	20007
Sherrell	Chris	Department of Health and Human Services 200 Independence Avenue, SW	20201
Simms	Joann	BGR Government Affairs, LLC 601 13th Street, NW	20005

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Smith	Pamela D.	PNC Bank 833 7th Street, NW	20001
Snyder	Elaine S.	Williams & Jensen, PLLC 701 8th Street, NW, Suite 500	20001
Temidayo	Tatiana	VisaHQ.com Inc. 2005 Massachusetts Avenue, NW	20036
Tucker	Barbara A.	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW	20001
Tyler	Lauren C.	Borger Properties 1825 K Street , NW, Suite B-109	20006
Unglesbee	Regina	Chase Point Condominiums C/O Comsource Management 4301 Military Road, NW	20015
Vance	Nicole M.	Securities Security Services, LLC 1101 17th Street, NW, Suite 510	20036
Vignola	Denise L.	Borger Management, Inc 1825 K Street , NW, Suite B-109	20006
Vogler	Rebecca M.	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW	20001
Wadsworth	Gregory	Clark Construction Group, LLC 1331 4th Street, SE	20003
Weaver	Bessie M. Jones	The White House, Office of Management and Budget 725 17th Street, NW	20503
Williams	Shelore A. C.	Self 3215 13th Street, NW	20010
Wolford	Debra S.	Quinn, Racusin & Gazzola Chartered 910 17th Street, NW, Suite 200	20006
Wolska-Lee	Anna	B'nai Birth International	

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		1120 20th Street, NW, Suite 300 North	20026
Wright	Adam	Transportation Federal Credit Union 800 Independence Avenue, SW	20591
Young	Stephen M.	UDCPD-Office of Public Safety 4200 Connecticut Avenue, NW	20008
Zides	Michael S.	NFL Players Associations 1133 20th Street, NW, Suite 600	20036

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

Revised NOTICE OF FUNDING AVAILABILITY (NOFA)

DC CLEAN TEAM PROGRAM

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to manage a **DC Clean Team Program** ("the Program") in six service areas (listed below). This revised NOFA is an extension of the original application deadline, which was August 1, 2014 as published in the June 27, 2014 edition of the DC Register. **The new submission deadline is August 29, 2014, 1:00 p.m.**

Through this grant, DSLBD will fund clean teams, which will: 1) Improve commercial district appearance to help increase foot traffic, and consequently, opportunity for customer sales; 2) Reduce litter, graffiti, and posters which contributes to the perception of an unsafe commercial area; 3) Maintain a healthy tree canopy and landscape that contributes to the perception of a safe and attractive shopping area; 4) Support Sustainable DC goals by recycling, mulching street trees, using eco-friendly supplies, and reducing stormwater pollution generated by DC's commercial districts.

Eligible applicants are DC-based nonprofit organizations that are incorporated in the District of Columbia and, have demonstrated capacity with: a) providing clean team services or related services to commercial districts or public spaces; b) providing job-training services to its employees; and c) providing social support services to its Clean Team employees.

DSLBD will **award** one grant up to $100,000 for **each** of the following **service areas** (i.e., a total of six grants).

- 12th Street, NE
- Connecticut Avenue, NW
- Georgia Avenue, NW
- Kennedy Street, NW
- Minnesota Avenue, NE
- Ward 1

The **grant performance period** to deliver clean team services is October 1, 2014 through September 30, 2015.

Application Process: Interested applicants must complete an online application (RFA Part 2, see below) and submit it on or before **Friday, August 29, 2014 at 1:00 p.m**. DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions and incomplete applications will not be forwarded to the review panel.**

The **Request for Application** (RFA) comprises two parts:

1. **RFA Part I: Program Guidelines and Application Instructions** document, which includes: a detailed description of clean team services; service area boundaries; applicant eligibility requirements; and selection criteria. Part 1 of the RFA is posted at

www.dslbd.dc.gov (click on the *Our Programs* tab and then *Solicitations and Opportunities* on the left navigation column).

2. **RFA Part II: the Online Form** through which an Applicant submits its eligibility information and grant applications for each service area of interest. To access the online application form, an organization must complete and submit an online **Expression of Interest** (Registration) form at https://octo.quickbase.com/db/bi5n5mq5b. Organizations, which previously submitted an Expression of Interest form and received online access, will not need to re-submit a form. DSLBD will activate their online access on or before August 18, 2014.

Selection Criteria for applications will include: a) Applicant Organization's demonstrated capacity to provide clean team or related services, and managing grant funds; b) Proposed service delivery plan for basic clean team services; and, c) Proposed service delivery plan for additional clean team services. Applicants should reference RFA Part 1 for detailed description of selection criteria.

Selection Process: DSLBD will select grant recipients through a competitive application process that will assess the Applicant's eligibility, experience, capacity, service delivery plan, and, budget. Applicants may apply for one or more service areas by submitting a separate application for each service area. DSLBD will determine grant award selection and notify all applicants of their status via email on or before September 10, 2014.

Funding for this award is contingent on continued funding from the grantor. The RFA does not commit the Agency to make an award.

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

For more information, contact Camille Nixon at the Department of Small and Local Business Development at (202) 727-3900 or camille.nixon@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
TAXICAB COMMISSION
AMENDED NOTICE OF FUNDING AVAILABILITY

GRANTS FOR
COORDINATED ALTERNATIVE TO PARATRANSIT SERVICES ("CAPS-DC")

The Government of the District of Columbia, Taxicab Commission is soliciting applications from approved taxicab companies to provide, through the Coordinated Alternative to Paratransit Services ("CAPS-DC") pilot program, a cost-effective, high service quality MetroAccess paratransit service alternative to consenting MetroAccess dialysis patients. CAPS-DC stands to save District taxpayers as much as $1.8 million a year while increasing the number of wheelchair accessible taxicabs in the D.C. fleet. Under CAPS-DC, DCTC-approved taxicab companies will provide dialysis patients with MetroAccess paratransit service to and from Washington Metropolitan Transit Authority (WMATA)-identified dialysis centers. Dialysis patients will be issued pre-funded debit cards to pay for a portion of the fare, paying the remaining fare in any format acceptable under DCTC regulations. Paratransit service will be provided by wheelchair accessible and non-accessible taxicabs, depending on the needs of the requesting dialysis patient. Upon approval, participating taxicab companies must purchase wheelchair accessible paratranist vehicles from WMATA. Those vehicles, subject to availability and service priority, can provide both CAPS-DC paratransit service AND wheelchair accessible taxicab service, District-wide. Prior to use, each vehicle must be prepped, or "hacked up," to comply with all vehicle licensing requirements, including uniform color scheme requirements in 31 DCMR Chapter 5 and equipment requirements in 31 DCMR Chapter 6 (including the requirements for a modern taximeter system (MTS) unit and a uniform dome light).

DCTC intends to make available $207,500 in grant funds, available no later than October 1, 2014, for DCTC-approved taxicab companies to purchase WMATA paratransit vehicles at a WMATA auction. WMATA will make at least thirty-three (33) vehicles available for sale during the course of the MOU, on a rolling basis, at an estimated value of $4,800 each, subject to the availability of grant funds. In addition, DCTC will approve up to $1,500 per vehicle for "hackup" and other associated taxicab costs (including uniform color scheme requirements, MTS and uniform dome light requirements and paint jobs) on a cost reimbursement basis.

The Request for Applications ("RFA") RFA# CAPS-DC2014-10-001 release date will be Friday, August 15, 2014. The full text of the Request for Applications will be available online at DCTC's website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

Download by visiting the DCTC website, www.dctaxi.dc.gov.

Email a request to karl.muhammad2@dc.gov with "Request copy of RFA CAPS-DC" in the subject line.

In person by making an appointment to pick up a copy from the DCTC ADA office at 2041 Martin Luther King, Jr Avenue, SE, 4th Floor, Washington, DC

20020 (call Karl Muhammad at (202) 645-4435 or 645-6018 and mention this RFA by name); or

Write DCTC at 2041 Martin Luther King, Jr Avenue, SE 4th Floor, Washington, DC 20020, "Attn: Request copy of RFA# CAPS-DC2014-10-001" on the outside of the letter.

The deadline for application submissions is 8/28/2014, at 4:00 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to karl.muhammad2@dc.gov.

Eligibility: Only taxicab companies that have been approved by DCTC to participate in CAPS-DC may apply for these grants.

Period of Awards: The CAPS-DC grant program performance period will begin in September 2014 and end on 9/30/2015.

Available Funding: Approximately $207,500.00 will be available for one or more awards**.** Award amounts will range from a minimum of $4,800 for each WMATA vehicle purchase plus up to $1,500 for each vehicle "hackup," up to a maximum of $207,500. There may be more than one grant recipient. The amount is contingent on availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact Karl Muhammad at karl.muhammad2@dc.gov or (202) 645-4435 or 645-6018.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, September 4, 2014, at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	**Call to Order**	Board Chairman
2.	**Roll Call**	Board Secretary
3.	**Approval of July 3, 2014 Meeting Minutes**	Board Chairman
4.	**Committee Reports**	Committee Chairperson
5.	**General Manager's Report**	General Manager
6.	**Action Items** Joint-Use Non Joint-Use	Board Chairman
7.	**Other Business**	Board Chairman
8.	**Adjournment**	Board Chairman

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, September 10, 2014 at 9:00 am. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Chairperson
2.	Government Affairs: Update	Government Relations Manager
3.	Update on the Compliance Monitoring Program	TBD
4.	Update on the Workforce Development Program	Chief of Staff
5.	Emerging Issues	Chairperson
6.	Agenda for Upcoming Committee Meeting (TBD)	Chairperson
7.	Adjournment	Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, September 10, 2014 at 11:00 am. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	Union Presidents	
3.	Other Business	
4.	Executive Session – To discuss personnel matters pursuant to D.C. Official Code § 2-575(b)(10)	Committee Chairperson
5.	Adjournment	Committee Chairperson

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18807 of Heritage Foundation, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception under section 214, and variances from subsections 214.1, 214.3, and 214.4, to allow the continued use of an accessory parking lot in the CAP/R-4 District at 415 3rd Street, N.E., 416 4th Street, N.E. and 424 4th Street, N.E. (Square 780, Lots 43, 62 and 810).

HEARING DATES: July 29, 2014
DECISION DATE: July 29, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission ("ANC") 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a letter in support of the application. The ANC's letter dated June 16, 2014, indicated that the ANC at a duly noticed, regularly scheduled public meeting on June 11, 2014, with a quorum present, the ANC voted 5:1:0 to support the 10-year renewal application. (Exhibit 25.) The Office of Planning ("OP") submitted a report in support of the application with conditions, including a 10-year renewal period. (Exhibit 34.) The Department of Transportation had no objection to the application. (Exhibit 35.)

Letters of support were submitted to the record by the Architect of the Capitol (Exhibit 26) and Capitol Hill Restoration Society (Exhibit 31).

A letter of opposition was submitted for the record by Craig D'Ooge, a neighbor. (Exhibit 30.) Also, Anne Corbett testified as a person in opposition at the hearing.

Variances

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 214.1, 214.3, and 214.4, to allow the continued use of an accessory parking lot in the CAP/R-4 District. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking variances from §§ 214.1, 214.3, and 214.4, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the requirements under § 214. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 214, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE PLANS AT EXHIBIT 7 AND WITH THE FOLLOWING CONDITIONS**:

1. Approval shall be for a period of **TEN (10) YEARS** from the final date of this Order.

2. The number of parking spaces shall not exceed 55.

3. The lots shall be cleaned daily.

4. All parts of the lots shall be kept free of trash and debris.

5. The Applicant shall maintain a liaison person to ensure that the lots operate with minimal impact on the community. The Applicant shall provide the community

with the liaison's contact information so that they can reach the contact person to express any concerns about the operation of the lots.

6. The lots shall be available for use between 7:00 p.m. and 8:00 a.m. and on weekends and holidays by those community members located within 200 feet of the subject property.

7. Wheel stops shall be maintained at the top of each parking space.

8. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. The Applicant shall maintain all trees in the landscaped area at the center of each lot. The Applicant may also install additional landscaping.

9. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a material forming an all-weather surface. The applicant shall consider and use pervious materials should any repair work become necessary that requires the removal of the existing paving.

10. No vehicle or any part thereof shall be permitted to project over any lot or building line, or on or over the public space.

11. No other use shall be conducted from or upon the premises and no other structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zone district in which the parking lot is located.

12. Any lighting used to illuminate the accessory parking spaces shall be arranged so that its direct rays are confined to the surface of the parking lot.

13. Signage shall be posted on the property, to include a telephone number, identifying the Heritage Foundation as the point of contact.

VOTE: **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller, to APPROVE; S. Kathryn Allen, not present or participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: August 4, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE,

MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 14-03
Z.C. Case No. 14-03
(Text Amendment to § 2802.1)
July 28, 2014

The full text of this Zoning Commission Order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 14-14
(Jemal's CDC, LLC – Consolidated PUD and Related Map Amendment @ Square 833, Lot 47)
August 11, 2014

THIS CASE IS OF INTEREST TO ANC 6C

On August 6, 2014, the Office of Zoning received an application from Jemal's CDC, LLC (the "Applicant") for approval of a consolidated PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 47 in Square 833 in Northeast Washington, D.C. (Ward 6), which is located at 501 H Street, N.E. The property is currently zoned HS-H/C-2-A. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to HS-H/C-2-B.

The Applicant proposes to demolish an existing one-story building, which most recently housed the H Street Community Development Corporation, and redevelop it with a 43,206-square-foot mixed-use, multiple dwelling building. The building will have a maximum height of 75 feet. It will have approximately 26 residential units, with no less than eight percent of affordable housing, and 13,482 square feet of first- and second-floor retail uses, as well as 7,045 square feet of retail use in the cellar. There will be eight parking spaces on a surface lot at the rear of the building.

This case was filed electronically through the Interactive Zoning Information System ("IZIS"), which can be accessed through http://dcoz.dc.gov. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF RESCHEDULED PUBLIC MEETING

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has rescheduled its Public Meeting scheduled for Monday, September 8, 2014, to **Monday, September 15, 2014, at 6:30 P.M**.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF SPECIAL PUBLIC MEETING

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled a Special Meeting for **Thursday, September 4, 2014, at 5:00 P.M.**, to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.